

A SELECT
COLLECTION
OF
TRACTS.

BY

WALTER MOYLE, Esq;

CONTAINING,

I. An Essay upon the
Roman Government.

II. REMARKS upon Dr.
Prideaux's Connecti-
on of the Old and New
Testament.

III. An Essay upon the
Lacedaemonian Go-
vernment.

IV. An ARGUMENT a-
gainst a Standing Ar-
my. *Anno 1697*

David Chalmers

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A N
E S S A Y
UPON THE
C O N S T I T U T I O N
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R O M A N G O V E R N M E N T.
I N T W O P A R T S.



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P A R T I .

ROMULUS, at the head of a numerous colony from Alba, was the first founder of the Roman state ^a. This colony was in the original state of nature free, and independent of any dominion whatsoever, and only chose Romulus for their leader, till their new city was built, and they were at leisure to consider what form of government they should resolve upon.

Monarchy was the antient government of Alba, and continued down for many ages ^b in a lineal succession of princes, famous for their justice and moderation at home, and

^a Dionys. Halicarn. lib. 2. p. 60. Edit. R. Steph.
1546. Folio.

^b Ibid. p. 60.

their conquests abroad. The love of their antient constitution, so natural to mankind, together with the ease and plenty they enjoyed under former reigns, (which they imagined to be owing to the civil orders and institutions of the state, and not to the virtue and emulation of their particular kings) were considerations strong enough to incline the people in favour of monarchy, which they made choice of by universal consent, and elected Romulus^c for their first king: who, immediately after his advancement, erected a frame of government, upon such admirable orders, both civil, military, and religious, that, if no alteration had been made in the fundamental laws by himself, or his successors, it would have been the most noble, as well as most lasting constitution of limited monarchy that ever was in the world.

His first care was to possess the people with the notion of his divine appointment over them: before he attempted the crown, the gods were consulted in the usual forms^d; and all the tokens of divine approbation appeared: which left no room for pretenders to dispute his title, nor to the people to re-

^c Dionys. Halic. l. 2. p. 62. ^d Ibid. l. 2. p. 60.

peal their choice. This begat a reverence and a veneration for his person, added weight and authority to his laws, and strength and reputation to his government.

The belief of this divine designation once infused into the minds of the people, he proceeded to lay the foundation of his government^e, and began with securing the possession of the regal power by a wise institution of an hereditary order of nobility, composed out of the richest and the noblest of his new colony. Out of this order were chosen all the councils and magistracies of the commonwealth; all officers, civil and military: and out of these he formed the great council of state, called the Senate. *Factio haud dubia regis, cujus beneficio in curiam venerant*, says Livy^f: and indeed this distinction of honour and power, these mighty privileges and immunities, created a necessary dependence of the nobility upon the crown, and engaged them intirely in the support of the monarchy, under whose protection they enjoyed these advantages, to the exclusion of the rest of the people. And in all ages the nobility has been the guard of sovereign power in limited monarchies, and al-

^e Dion. Halic. p 64.

^f Lib. 1. cap. 35.

ways opposed any innovations in favour of popular government; for fear of introducing an equality, inconsistent with their privileges.

But Romulus, wisely considering, that this division of the people into two orders would make different parties and factions in the state, which in time would dissolve the government, unless they were united by some common interest, resolved, since he could not make an equality, at least to create a dependence of the commons upon the nobility, by introducing the custom of patronage^g; which was, allotting such patrons out of the nobility to the commons, who were obliged to defend them in the possession of their rights and properties; to advise them in all matters of weight, and to protect them against all violence and oppression: while the client on his part was obliged to pay all deference and esteem to his patron, and to serve him with his life and fortune in any extremity^h. This mutual intercourse of good offices begat a confidence and good correspondence between the nobility and commons, without those jealousies and animosities which are the in-

^g Dionys. l. 2. p. 63, 64. ^h Plut. in Rom.
p. 45. Edit. H. Steph. 1572. Octavo.

fallible consequences of two parties, between whom there is no common bond of union.

Having provided for the support of the monarchy, his next care was to secure his own person from the dangers of any sudden tumult or popular insurrection, by establishing a guardⁱ, composed of the bravest youths of the nobility, who constantly attended his person, and were the executioners of all his orders in the city, and fought by his side in the field.

To defray the necessary expences of the court, he reserved to himself a good share out of the general division of the land to the people, which he appropriated to the maintenance of the civil list, and to support a splendor becoming his dignity. For the ordinary revenue of the kings of Rome lay in their crown-lands, and the extraordinary charges of war and other contingencies, were supported by levying taxes upon the people.

Though he shared the legislative in common with the people and senate^k, and had no power to pass any law without concurrence of both orders, yet he had the sole

ⁱ Dion. p. 65.

^k Ibid. p. 66.

^j Ibid. p. 62, 102, 129.

right of proposing to the people in their assemblies, by virtue of his prerogative, which amounted to a full negative voice in all their determinations; neither the people nor senate having the liberty of proposing, debating, or enacting laws, till they were first moved from the throne.

Besides this advantage of having the largest share of the legislative power of the commonwealth, he had all the executive^l power of the state lodged in his hands. He had the supreme power of administration of justice in all causes, civil and criminal, unless in those of little consideration, which he referred to the senate; but in all others he was sovereign judge in the last resort, without any farther appeal to the people: and in time of war he had the absolute command of all the forces of the state^m.

Thus I have run briefly thro' the civil orders, upon which the great law-giver founded his dominion, *viz.* the opinion of a divine appointment; the dependence of the nobility upon his interest, and the dependence of their clients upon them; his standing body of guards; his great revenue in lands; the sole power of the executive,

^l Dion. Halic. p. 65.

^m Ibid.

and part of the legislative; and last of all, the administration of justice, and the command of armies, which were the great branches of the royal prerogative.

The next thing I shall proceed on, is the religious institution of Rome; which, whether we consider the simplicity of its precepts, and their mighty influence upon the morals of the people, or their admirable application to all the ends of civil society, and particularly to the support of the monarchy, will appear to be the wisest and the most politic system of religion, that ever any lawgiver founded.

Romulus drew only the rough draught of religion, which was finished and brought to perfection by the great genius of Numaⁿ; who, from a private man, and a foreigner, was courted to accept of the crown, purely upon the renown of his piety and justice^o. The principles, from which he derived authority and belief to his religion, were first the reputation of sincerity, which is the universal ground of persuasion; his innocent practice upon the credulity of a barbarous people, by pretending to a superna-

ⁿ Livy, l. 2. c. 18.

^o Plut. p. 111.

tural revelation of his laws; and lastly, the operation of miracles ^p.

This has been the current practice of all the great legislators of antiquity ^q, who thought the opinion of a divine mission and authority absolutely necessary to procure belief to all their doctrines, and a blind and abandoned submission to all their laws ^r.

Upon this bottom Numa erected the scheme of his religion; in which he avoided all the follies and absurdities of other legislators ^r.

He did not enjoin the belief of contradictions and impossibilities, which take off from the reputation of the lawgiver, and discredit his religion ^s: nor did he introduce any opinions unworthy of the gods, and inconsistent with the divine nature: nor did he require the belief of many articles of faith, which create schisms and heresies in the church, and end in the ruin of religion. For if schisms and heresies were traced up to their original causes, it would be found that they all sprung chiefly from the multiplying articles of faith, and narrowing the bottom of religion, by clogging it with

^p Dionys. p. 91.

Rhodomani.

Dionys. p. 91.

^q Diod. Sic. p. 84. Edit.

^r Idem.

^s Plut. p. 113.

^s Ibid. p. 68.

creeds and catechisms, and endless niceties about the essence, properties, and attributes of God. The common principles of religion all mankind agree in; and the belief of these doctrines a lawgiver may venture to enjoin; but he must go no further, if he means to preserve an uniformity in religion. For the injunction of positive laws, how much soever they contradict the inclinations of mankind, rarely produce any schisms: so much easier it is for men to practise against their passions, than to believe against their understandings. But Numa, by a wise conduct, prevented all factions and divisions in the church, by the institution of only two articles of faith ^t:

First, That the gods were the authors of all good to mankind ^u.

Secondly, That to obtain this good, the gods were to be worshipped; in which worship, the chief of all was to be innocent, good, and just.

These were the two fundamental articles of the Roman religion, which Zaleucus seems to have copied in the institution of his commonwealth ^v.

^t Cie. de Leg. l. 2. c. 1. ^u Dionys. p. 92,
^v Diod. Sic. l. 12. p. 84.

As for the first, though in compliance to the popular opinion, and in a vulgar way, the great men of antiquity spoke of the godhead in the plural number; yet upon all solemn occasions, when they mentioned the godhead with any gravity and emphasis, it was by the name of τὸ Δαιμόνιον ὁ Θεός; or, *Deus optimus maximus*. Though the unity of the godhead be as demonstrable as its existence, and though this principle was embraced not only by many private men and sects of philosophers, but by whole nations of antiquity; yet flattery to the memories of their benefactors, the interest of priests, the ignorance of mankind, and many other causes, had introduced Polytheism into the national religion of the greatest part of the world.

Whatever sentiments Numa had of the godhead, it is plain he complied with the current divinity of the times, and established a plurality of gods in his system; perhaps from this consideration, that the absolute and perfect unity of the godhead was a notion too refined to gain reception in an age universally over-run with Polytheism; when even Moses himself, with all his divine inspiration, and the irresistible force of his miracles, found much difficulty to ma-

ster the popular prejudice against it. But though this perfect unity of the godhead was a doctrine less known to the world, yet the existence of a God, and the providence of some superior powers, are acknowledged by all civilized nations ^w.

The second article is but a natural consequence of the first: and thus we see Numa's system of religion took in all the common opinions of mankind. As for the particular forms of divine worship, he instituted a ritual, which directed the priests in the solemn ceremonies and services of religion, without denying a toleration of other forms; of which more hereafter.

The doctrine of the immortality of the soul, though it was no part of the religion of the Romans, but seems left rather as a problem of philosophy ^x than an article of divinity, yet was always cherished and encouraged by the commonwealth, as an opinion of great use and service to the state. Had it been an established doctrine, Veturia would not have talked so doubtfully of it in her speech to Coriolanus ^y; nor Caesar have openly derided it in the face of the whole senate ^z. I am inclined to believe, it was

^w Cic. Tusc. Quest. l. 2.

^y Dionys. p. 286.

^x Juv. Sat. 2.

^z Sal. in Cat.

first transplanted from Greece to Italy by Pythagoras, and from thence derived to the Romans : however it might first have been introduced, we find it was received as a thing plausible ; though in the same rank, and up the same level, with those fables and other religious histories and traditions which the poets sang. And Polybius ^b blames some who made it their business to dispossess the vulgar of that opinion. Numa likewise interwove his moral precepts with his religious doctrine ; for the great principle of his morality, JUSTICE ^c, which in a manner comprehends all other moral virtues, was grounded upon this persuasion, “ That the
“ gods were the most excellent nature, and
“ the great examples of highest virtue ; that
“ they administered every thing justly, and
“ had a due care and providence over the
“ whole ; and that they never bestowed
“ their favours upon unjust men.” From this root sprung that noble branch of their morals, the love of their country ; which afterwards grew to be the fundamental article of their ethics, and the standard of all virtue and vice. This principle was pass-

^a Cic. Tusc. Quæst. l. 1. — de Sen. c. 2.

^b Lib. 6. c. 64. Amst. 1670. Octavo.

^c Dionys. p. 92.

onately pursued by all the great Romans; at this, the inexorable Coriolanus relented; for this, the Decii and Curtii devoted themselves; to this principle Brutus sacrificed his son: this was improved and cultivated by the force of education, and confirmed by more-generous examples than any age or nation can boast of.

Nor did he sour his religion with needless severities and affected austerities, by imposing doctrines of penance, abstinence and mortification, which serve only to cross the innocent appetites of mankind, without making them better or wiser.

Besides the influence of his religion upon the duties of private life, he likewise made it a part of the Roman policy, and subservient to all the great ends of government and society^d. All the elections of their magistrates, and all their public resolutions, were ratified by the solemn approbation of their gods, consulted by their college of diviners; than which nothing could be a greater reach of policy, to teach the people obedience to their magistrates, and subjection to their laws. This was likewise a mighty incentive to valour and resolution to their armies upon any desperate service, and

^d Liv. l. i. c. 36.

won them many victories; for prophecies, by the assurance they give of success, are often-times the causes of the events that they foretel.

Numa, by the wide bottom of his religion, prevented all heresies in fundamentals; and in the particular forms of divine worship he allowed a general liberty of conscience ^e.

This generous principle of tolerating all religions in the commonwealth, was that above all others which fitted his system to the chief design of the government; for the rise and progress of the Roman greatness were wholly owing to the mighty confluence of people from all parts of the world, (with customs and ceremonies very different from the Romans) who would never have settled there, without an allowance of the free exercise of their particular religions. It is true, the Romans were very cautious of introducing any new rites into their national religion ^f; and there are frequent instances in their histories of their forbidding the magistrates to make any innovations in the public worship ^g. But this order did not extend to regulate the opinions or de-

^e Dionys. p. 68.

^f Liv. l. 4. c. 30.

^g Val. Max. l. 1. c. 3. Liv. l. 25. c. 1.

votions of private men, as appears by the decree of the senate, enacted upon the suppression of the Bacchanalia: That any one who asked leave of the senate might celebrate the mysteries in private, though they dissolved the public assemblies of the Bacchanalia, as a seminary of all debauchery, and dangerous to the state^b.

This wise institution of an universal liberty in religion seems to be owing to this single cause, *viz*. "That the government of the national religion was lodged in the senate and people." It is true, under the government of the kings, the pontifices had a very large jurisdiction, being the public directors of all the divine rites, with an unlimited power of judging and determining all religious disputes whatsoever, without being accountable to any superior authority: but their mighty power declined after the subversion of the monarchy; and after that, the sole power of religion devolved upon the civil magistrate, as may be easily made appear by the Roman historians.

First, All neglects of the national religion, and the introduction of foreign rites and ceremonies, were punished and prohibited by the senate, the priests never interposing

^b Liv. l. 39. c. 18.

ⁱ Dionys. p. 99.

their authority^j: but the execution of all the religious orders of the senate were committed to the *Ædiles* and *Praetors*^k, who were civil magistrates; and all toleration of mysteries and ceremonies, contrary to the established religion^l, were granted by the senate.

All innovations in the national worship, such as adoption of new gods, and the institutions of new forms and ceremonies in religion, were appointed by the authority of the senate^m.

Nor had the priests any right to consult the great oracles of their divine worship, the *Sybilline verses*, in which they placed the infallibility of their religion, unless by the express command of the senate.

Nor did the senate make any scruple of acting against the authority of the *Pontifex Maximus*ⁿ, who was the supreme governor of the Hierarchy.

It is evident likewise, that the whole order^o of the high-priests were subject to the jurisdiction of the tribunes of the people;

^j Liv. l. 39. c. 18. l. 25. c. 1. l. 4. c. 1.

^k Cic. in Or. de Ref. Haruf. c. 13.

^l Liv. l.

39. c. 18.

^m Val. Max. l. 8. c. 15.

Dionys.

p. 68. Cic. de Div. l. 1. c. 43, 44. l. 2. c. 54.

Dionys. p. 192.

ⁿ Liv. l. 51. c. 9.

^o Liv. l. 33. c. 42.

for Cicero ^p tells Claudius the tribune, *Collegium pontificum tribunus plebis poteras cogere*, that by the virtue of his tribuneship he could compel them to obey his orders.

Cicero likewise declares the supreme power of religion to be lodged in the people ^q; for when Claudius had consecrated his house, and one of the high-priests assisted at the solemnity, the people in their assembly pronounced the consecration void. *Populus*, says Tully, *cujus est summa potestas omnium rerum* ^r. And when the further consideration of that affair was referred to the college of the high-priests by the orders of the senate, (*non quod dubia res esset*, not that the thing admitted of any doubt after the determination of the people) their sentence was not valid till it was reported to the senate, and ratified by their authority.

By what paces and methods the civil power wrested the government of religion out of the hands of the priests, is difficult to determine, in the silence of all the ancient writers. But probably the usurping the right of electing the Pontifex Maximus, after the expulsion of the kings, was the

^p Cic. Or. pro Dom. ad Pon. c. 45.

^q Cic. de Har. c. 6.

^r Ibid. c. 6.

leading step to the invasion of all their other privileges.

The government of religion, being in the hands of the state, was a necessary cause of liberty of conscience; for there is scarce any instance in story of a persecution raised by a free government. Persecutions are generally made to gratify the pride, the ambition, or the interests, of the clergy; which a state, that hath the command of the national conscience, will never indulge at the expence of the public good.

A free government is designed for the liberty of the whole society, which persecution is inconsistent with; and it is against all the rules of policy to persecute opinions not destructive to human society: for a necessary consequence of such a practice is the narrowing the bottom of the community, by weakening the strength and force of the commonwealth, which consists in the number of the people, who, in all appearance, will, when thus disturbed, retire to an easier government; nor can this fail to break the firm unity of the nation, which these severe arts of government are inconsistent with. But persecutions are generally encouraged only by tyrants and priests. By tyrants, either from a false bigotry, or a

misguided zeal for religion; or from a boundless vanity and pride of forcing all their subjects to comply with their opinions as well as commands; or from a barbarous policy of thinning the people, that they may, with the greater ease, oppress the rest^f; or from an apprehension that revolutions in religion may be attended with revolutions in state; or from the hopes of gaining a farther support to their tyranny by engaging the clergy, whose interest it will eternally be, to make war upon all contrary religions. This last consideration hath produced most of the modern persecutions: priests and tyrants having joined their interest to enslave the world, and share the booty between them.

Persecutions are made by priests from a dread that changes in national religion may end in the ruin of all their privileges, and revenues; which being originally bestowed upon them from an opinion of their divine mission, and the reverence to the religion committed to their charge, whenever the religion is abolished, must of course return to the state, or be transferred to the heads of the prevailing sect^s. This was the fate of the revenues of the heathen priesthood,

^f Dio. Caf. in. Or. Mecaë. ad August.

^s Zosimus, l. 4. sub fin.

(which were all seized upon by Theodosius the Great^t, in the final dissolution of their religion) and the same also was the fate of the Romish clergy at the time of the reformation.

As the religion of the Romans was a part of their policy, so their clergy likewise was a part of their laity, and interwoven into the general interest of the state; not a separate independent body from the rest of the community, nor any considerable balance of the civil government: but settled upon such an institution, as they could have neither interest nor power to act against the public good. A constitution which the modern policy hath overlooked out of ignorance, or neglected out of design; as appears from the unlimited power of the modern priesthood, who have usurped a supremacy, or at least an independency on the civil power over half of Europe, and (where their jurisdiction is more restrained) by virtue of their great possessions and endowments, look the civil government in the face, and have raised such convulsions in the latter ages, as were unknown to the antient world.

* Symm. Epist. l. 10. Epist. 61.

But the Roman priests had no interest to set up any particular by-ends in opposition to the national good; for their stake in the civil government was infinitely greater than their dependance upon the church. They were by their original constitution all chosen out of the nobility, and afterwards out of the richest and greatest men of the commonwealth^u; and consequently had such an interest in the civil state, as they would not sacrifice to their particular order. They were likewise promiscuously admitted to all the great offices and dignities of the commonwealth, which they set a much higher value upon, than any of their ecclesiastical charges; as appears from the resentment the nobility shewed upon the admission of the commons to the great magistracies of the republic: *Salii, flaminesque nusquam, alioquam ad sacrificandam pro populo, sine imperiis et potestatibus relinquuntur*^v. That was the sense of the nobility upon the passing of that law. And there are instances in the Roman story, of men who have been compelled against their inclinations to accept the priesthood^w; so far were the dignities of

^u Dionys. l. 2. p. 69, 70, 337. Cic. in Or. pro Domo, c. 1.

^v Liv. l. 4. c. 54.

^w Liv. l. 27. c. 8.

the church from being equal to those of the state. These considerations must necessarily make the clergy true to the interests of the whole community, because their own advantages were involved in the national good. Thus the Romans wisely prevented the two only fatal effects which the religious orders of the state can have upon the civil government. The first is, from the nature and institution of the religion itself, which, from the multitude of doctrines and articles of faith, may divide the people into schisms and heresies in the church, which generally end in parties and factions in the state, and they always in the dissolution of the government. The other is, making the clergy a separate independent body from the laity, with ends and designs interfering with the public interests of the civil society; which is erecting *imperium in imperio*, and directly opposite to all the maxims of anti-ent policy.

Nor had the Roman priesthood power to set up for themselves, or to give laws to the civil magistrate, or to usurp any extraordinary jurisdiction, or to make any considerable figure in the balance of the civil government.

Power is of two kinds, imaginary or real. Imaginary power is authority founded upon opinion: real power is authority founded upon dominion and property. But the Roman clergy had little of the first, and none of the last, till the ruin of the commonwealth.

Authority built upon opinion is usually derived to the clergy, from a persuasion in the people of their divine mission and designation; or from a reverence to their mystic ceremonies and institutions; or for their pretended empire over the consciences of mankind.

As for the first, they had no more title to claim such a supernatural warrant to their authority, than all the civil officers of the state, whose elections as well as theirs were all confirmed by divine approbation. They were likewise chosen in the assemblies of the people, and were frequently degraded upon very slight occasions, and oftentimes by the authority of the civil power^x: which is a proof that they had no extraordinary virtue, or privilege inherent to their character; the priests of the

^x Dionys. p. 61. Val. Max. l. 1. c. 1. Liv. l. 26. c. 23. Suet. in Jul. c. 1. Plin. Ep. l. 4. Ep. 8. Plut. Quaest. Rom. c. 99.

first order, all but the augurs, not being exempt from the penalty of deprivation. Their empire over the consciences of mankind is exercised either by the infliction of spiritual censures, which they pretend to be seconded by the divine displeasure, or by the absolution of crimes, by virtue of certain lustrations and expiatory sacrifices^y: and all the precedents that I can meet with of the first kind amount to no more than (an *odi profanum vulgus et arceo*) to an exclusion of impious and irreligious persons from the solemn sacrifices; a sentence which had little authority with men of their character. Their power of absolution extended no farther than to pardon crimes of inadvertency, or some neglects in the outward form of religious worship^z: but great offences and notorious immoralities could be atoned by no expiation whatsoever. Omissions of external ceremonies, says Tully, *Aspersione aquae aut dierum numero tolluntur; animi labe nec diuturnitate nec manibus ullis elui potest*^a. And whenever the priests pretended to a power of expiating immoralities, the Romans were too wise and too virtuous to

^y Cic. de Leg. l. 2. Liv. l. 45. c. 5. Suet. in Ner. c. 34. ^z Varro, p. 50. Zof. l. 2. Cic. de Leg. l. 1. c. 14. ^a De Leg. l. 2.

admit of such an infamous refuge. Witness the famous instance of Regulus, who having taken a solemn oath to return to Carthage, in case the Romans refused the conditions offered by the Carthaginians, when the high-priests by virtue of their authority offered to absolve him from the guilt of perjury, he rejected the notion with indignation; which he never would have done, had he imagined that any power upon earth could dissolve so sacred an obligation, or any expiation atone for such a crime^b.

The mystic ceremonies and institutions of the Grecians, which procured such a veneration and reverence to the Grecian clergy, were grounded upon a superstitious apprehension amongst the weaker sort of people, "That many advantages in life, and certain benefits in a state hereafter, depended on their admission to participate in those mysterious rites and institutions^c." Which trade, however advantageous it may seem to have been to the priesthood of that time, was not however of that profit and honour, as to raise them to any consideration or note above other

^b Suppl. Liv. Dec. II. l. 18. c. 62. ^c Laert. in vita Diog. p. 334. Plut. in aud. Poe. p. 37.

other professions, so as to be an order of men making any figure, or bearing any sway in the states or commonwealth we read of^d.

These mysteries had no part of the religious institutions of the Romans, for Dionysius expressly says they had no *τελεῖαι ἀπορρήται*, no occult mysteries, in the very corruption of the commonwealth^e.

From hence it is evident, that the Roman church^f wanted these natural sources by which authority is derived to the characters and persons of the clergy, and by which arts, others have so successfully mastered the opinions and consciences of mankind, and consequently influenced their actions, and commanded their fortunes.

Authority founded on dominion results to the clergy, either from a right of supremacy over the church, or from a legal jurisdiction and coercive power over the actions, the lives, and the conduct, of the laity. But I have already proved, that the Pontifex Maximus was so far from having the government of the church, that his authority under the popular state amounted to little more than a

^d Dionys. p. 68. Suet. in Claud. c. 25. Cic. de Leg. l. 2. c. 14. Lucianus in Demo.

^e Aurel. Vict. in Adrian.

^f Idem.

power of representation, or advice to the senate in all religious controversies that lay before the consideration of the senate^g. Besides the arguments already urged, the dependance of the Roman church upon the civil power appears from the appeals made by the clergy to the people, upon disputes arising between the priests of different orders. Their subjection to the tribunes^h appears from their being compelled by their authority to pay their share to the general taxes, in spite of their pretended immunities; and their exemption from all wars, which they enjoyed by the donation of Romulusⁱ, was repealed by a civil law. Appius^j the censor likewise transferred the priesthood of Hercules^k, entailed upon the Potitian family by Hercules himself, to the public servants of the state. Thus the people by their authority obliged the Pontifex Maximus^l, in spite of all his protestations against it, to consecrate the temple of Concord. Domitius the tribune^m translated the right of electing the pontifices to the people, al-

^g Liv. l. 33. c. 42. l. 40. c. 42. l. 37. c. 41.

^h L. 33. c. 42.

ⁱ Dionys. p. 69.

^j Plut. in Mar. p. 545. ^k Fenestel. l. 1. c. 2.

^l Liv. l. 9. c. 29. l. 9. c. 45. ^m Suet. in Ner. c. 2.

though by the constitution of Numaⁿ, that power was vested in the college of the high-priests themselves.

As for the coercive power of the church, Dionysius says that the high-priests had power to fine such of the clergy and laity as disobeyed their orders. But this privilege of the clergy, originally instituted by Numa, was abolished immediately after the expulsion of the kings, by the Valerian law^o, which gave liberty to any citizen that was fined or condemned by the sentence of any magistrate, to appeal to the judgment of the people^p: and there are instances in the Roman story of the people's reversing fines imposed by the high-priests^q.

From these numerous instances it is plain, that the Roman church was subject to the civil power; and that the state had power to make what alterations they pleased in the ecclesiastical constitution. I have insisted larger upon this subject, because Dionysius^r seems to give the college of the high-priests such an unlimited jurisdiction; but it is evident, that that passage must be un-

ⁿ Paterc. l. c. 12. Dionys. p. 99.

^o Dionys. p. 216. ^p Liv. l. 40. c. 42.

^q Cic. Philip. 11. c. 8.

^r Dionys. p. 99.

derstood of their authority during the monarchy only.

The consideration I shall next enter upon, is the authority of the priests founded on property and possessions, which is the only standing foundation of dominion; for power grounded upon opinion is seldom long lived, unless backed by temporal greatness and solid force.

The ordinary revenues of the priesthood, in all ages, have consisted either in the voluntary oblations of the people, or in endowments of lands and possessions, or in certain shares of the gains and labour of the people.

That the profits of the Roman priests were very inconsiderable, is evident from the opinion the nobility had of ecclesiastical dignities, which they always held inferior to the posts of the civil government; and instead of pursuing and canvassing were often compelled to accept them^f: which is a proof they could get little benefit or advantage by them; and there can be no reasons assigned why the employments of the church shall have any extraordinary maintenance, when all the civil magistrates had none.

f Liv. l. 4. c. 54. l. 27. c. 18.

Their clergy were all men of quality and riches, and were content with the bare honour of their dignities, and had a temporal fortune to support their expences: and the reason why their priests were originally composed of the nobility, was, lest the sacred authority of their religion, by the poverty of its professors, should be prostituted to mercenary, ungenerous ends. This is plain from Tully, who says there was an antient law, that such a number of the young noblemen should be instructed in the Tuscan arts of divination; *Ne arstanta propter tenuitatem hominum a religionis autoritate ad mercedem et quaestum abduceretur*^s. And Dionysius^t seems to reckon the salaries of the augurs, after the ruin of the commonwealth, among the corruptions of their religion. But the diviners^u had the greatest power and authority, of all the religious orders; and if they had no revenues, it is improbable the rest had any: and Augustus^v, after the subversion of the commonwealth, and Tiberius, were forced to settle large appointments upon the clergy, *ut dig-*

^s Cic. de Div. l. 1. c. 45. Val. Max. p. 5. Liv. l. 9. c. 36. ^t Dionys. p. 61. ^u Cic. de Leg. l. 2. c. 12. ^v Suet. in Aug. c. 31. Tacit. l. 4.

natio sacerdotibus acciderat, to give authority and reputation to the order. The Vestal virgins ^w, it is true, by their original constitution, had public allowance settled on them by the state. But I cannot collect from any of the antient writers, that any considerable revenue, salary, or perquisites belonged to any of the other orders, till the time of Augustus.

First, They were not supported by the voluntary oblations of the people ^x. The Romans ^y in their religious institutions took particular care that religion should not be a rent-charge on the people ^z: from that principle arose the frugality of their sacrifices, and the meanness of their offerings, and presents to the gods ^a. This order likewise extended to regulate the bounties and charities of private men to the clergy, for fear the superstition of the common people should ruin their families. Cicero ^b in the model of his commonwealth (which he owns to have transcribed out of the antient laws and constitution of Rome) forbids all these kinds of voluntary offerings, unless to the priests of Cybele, *ne domos exhauriant* ^c.

^w Liv. l. 1. c. 20.

^x Dionys. p. 63.

^y Val. Max. p. 88.

^z Dionys. p. 70.

^a Plin. l. 18. c. 2.

^b Cic. de Leg. l. 2. c. 19.

^c Cic. de Leg. l. 2. c. 9.

And there are frequent instances in Livy of forbidding, under severe penalties, all those, *quibus quaestus ex alieno errore facilis, quibus quaestui sunt capti superstitione animi*^d; who under different pretences raised contributions upon the people, by working on their superstition^e; and such as exercised this unlawful gain, were called by the opprobrious name of *Æruscatores*^f. It is true, there were some mendicant orders, who had a privilege of driving this trade, as the priests of Cybele^g and Isis; but these were of a foreign growth, and not of a Roman institution^h, and were had in contempt by the wisest and the best of the Romans, as no Roman was ever a priest of that orderⁱ. We likewise often read of voluntary oblations of the people^j; but those were applied (not to the maintenance of their priests, but) to the celebration of their religious games, or the solemn feasts and entertainment of their gods. And in general we find that all those kinds of offerings were discouraged by the state: *Non agnosco eos*, says Cicero^k, *qui*

^d Liv. l. 4. c. 30. l. 25. c. 1. Ovid. de Pont. l. 1. Ep. 1. ^e Aul. Gel. l. 14. c. 1. ^f Phaed.

l. 3. Fab. 20. ^g Val. Max. l. 7. c. 3.

^h Lucret. l. 2. Dionf. p. 68. Juven. Sat. 6.

ⁱ Liv. l. 25. c. 12. ^j Plin. l. 33. Macrobi.

l. 2. c. 6. ^k De Divin. l. 1. c. 58.

quaestus causa auriolentur. Nor was the *aes sacrum*^l, or the *sacramentum*, appropriated to the revenues of the priests^m, but entered into the treasury, and issued out in order to be applied to the adornment and decoration of their temples, or to the expences of their solemn plays and sacrifices; it being originally exacted from fines and forfeitures in cases criminal and civil.

The second branch of the usual revenues of the church consists in donations of lands and possessions. Romulus, in the first division of the lands of Romeⁿ, reserved a considerable share to be applied to the expences of the sacrifices and other religious duties, (but these lands were afterwards divided in common to the people by Tullus Hostilius^o, upon his accession to the throne; and the charges of the public sacrifices defrayed out of his paternal estate); but it does not appear that these lands, which were excepted out of the general dividend by Romulus, were ever appropriated to the private revenues of the clergy, but to the building of temples, and the solemn services and sacrifices of their religion^p. There is frequent men-

^l Varro, l. 5. ^m Fest. in verbo sacramentum. Liv. l. 10. c. 23. l. 27. c. 6. ⁿ Dionys. p. 62. ^o Ibid. p. 102. ^p Ibid. p. 62.

tion made in the Roman story of lands and territories consecrated to particular gods. But it is manifest from the authority of the best writers, that those lands could be applied to no human use whatsoever; much less converted to the gains and profits of any particular body of men^g: they lay fallow and uncultivated, and it was esteemed the highest irreligion and sacrilege to turn them to the common use of other lands. Thus the Romans, when Tarquin had plowed up the field of Mars^r, which had been antiently dedicated to that god; though they divided all the rest of Tarquin's goods, yet threw the corn of that field into the river; not daring from a religious apprehension, to make use of the products of a consecrated soil^r.

My next consideration is the revenues of the priests, which arise from the payment of certain portions out of the gains and labour of the people, which are commonly made to consist of the tenths of their incomes.

I shall first examine whether there lay any obligation upon the Romans from their

^g Diod. Sic. p. 425. Cic. de Leg. l. 21. c. 18.

^r Dionys. p. 213. Liv. l. 2. c. 5.

^r Plut. in Pop. p. 183.

religion, or the laws of the land, of paying such a proportion out of their fortunes and incomes. Secondly, I shall examine the reasons upon which this obligation was founded. And lastly, to what uses it was applied.

Had there been any obligations upon the Romans to pay their tenths, it must have extended indifferently to all, which it plainly did not; for why should the decimations made by Sylla, Crassus, and Lucullus^s, be reckoned so extraordinary, if the rest of the people had made the same offering^t? Why should so many authors barely affirm that there were frequent consecrations of the tenths^u? Why should not one of any authority make mention of a standing law, which enforced the payment of tithes to the whole community? Nothing is more frequently mentioned than the payment of tithes by the^v antient writers; yet not one mentions it as a custom of universal obligation, but only practised upon some extraordinary occasions: nor would so superstitious a people as the Romans have banished Camillus^w, for vowing the tenths of the

^s Plut. in Sylla, p. 866. ^t Diocl. Sic. p. 228.

^u Dionys. p. 26. ^v Plut. in Crasso. p. 992.

Plut. in Quæst. Rom. p. 277. Plaut. in Sti.

^w Liv. 1. 5. c. 32. Plut. in Camp. p. 241.

spoil of Veii to Apollo, if the payment of tithes had been an article of their religion^x, or an institution of their state. For though there were other causes that concurred to his banishment, yet this, above all others, inflamed the animosity of the people against him, *ὅτι δέκατον τὰ τῶν πολέων*, for imposing tithes upon the citizens^y; so averse were the people to all these kind of offerings. And Camillus probably forced the people to contribute the tenths of all the spoils to Apollo, for the same politic consideration that Cyrus did upon the like occasion, for fear the people should grow rich and ungovernable^z. It is true, Aurelius Victor (a modern author of little authority) says, that originally tithes were paid to kings, but by institution of Hercules were afterwards paid to the gods^a. And even this passage concludes strongly against those who assert the divine right of tithes from the antiquity and universality of their application to divine uses, since they were antiently offered up to kings by the confession of Victor.

As for the consecration of tithes to the gods by Hercules, if we should allow the authority of Victor, it only extended to

^x Victor in Camp. p. 50. ^y Plut. *ibid*.

^z Herodot. l. 1. c. 174. ^a De Orig. Romae.

Evander and his successors, and never was a law in force among the Romans; for all the conquered provinces paid the tenths of the annual products of their harvests to the state, and not to the gods; and the tenths of the spoils of war were sometimes bestowed on a single person, who had particularly distinguished himself in the action ^b.

The usual reason for making these oblations to the gods, and more particularly to Hercules, was sometimes from an opinion that a consecration of such a portion of their goods would make their lives easy and happy ^c: sometimes from politic considerations of the envy and jealousy ^d which great riches is always attended with, and which they wisely avoided by such a decimation of their fortunes. But I never met with any historian, who assigns the maintenance of the clergy to be the reason of these oblations.

All the antient writers unanimously agree in the application of these offerings to the public feasts and entertainments of the people ^e: *Orestis prandia in semitis decuma no-*

^b Cic. de Leg. Manil. c. 6. Liv. 36. c. 2. Plut. in Corio. p. 397. ^c Diod. Sic. p. 228.

^d Plut. in Quae. Rom. p. 477.

^e Diod. p. 228. Macro. l. 3. c. 12.

mine data honori fuerunt, says Cicero ^f. Thus Sylla made a mighty entertainment to the people, from the oblation of his tithes to Hercules ^g; as likewise Lucullus. And Varro, in Macrobius, says that the old Romans every tenth day feasted the people from the expences of these offerings ^h. And they were so far from being appropriated to the priests of Hercules, that of two families, who had the priesthood by descent, the one was excluded from those solemn banquets; the other, by the persuation of Appius, transferred their hereditary ⁱ honour to the care of public servantsⁱ: which they never would have so tamely submitted to, had they enjoyed such a mighty income, as the oblation of the tenths to Hercules.

It may seem strange to our age, where the appearance of godliness is such a great gain, that the Roman clergy should serve their gods for nought ^k; but there will be no reason to wonder, if they consider that none of their civil officers had any pensions, and that even their private soldiers fought the battles of the state without pay, for

^f Cic. de Offic. l. 2.

^g Plut. in Sylla, p. 866.

^h Macro. l. 3. c. 12.

ⁱ Ibid. c. 6.

^j Liv. l. 1. Dionys. p. 26. Liv. l. 9. c. 29. Val. Max. l. 1. c. 17.

^k Dion. p. 66. Liv. l. 4. c. 55.

some hundreds of years after the foundation of the city. The Romans took particular care never to trust the state in mercenary hands, and seldom lifted any of the poorer ranks of citizens in their armies, but upon great extremities^l. And the commons, as Dionysius expressly says^m, were excluded from the priesthood in regard of their poverty; which would have been no reason, had there been any profits or revenues belonging to their order.

After the subversion of the commonwealth, the emperors (for priestcraft and tyranny go hand in hand) settled large stipends, salaries and endowments, upon the clergyⁿ, and established lands for the maintenance of the Vestal virgins^o. And indeed in all ages it hath been a current maxim of arbitrary princes, to engage the authority of the church to support their tyranny: witness the mighty power and jurisdiction of the clergy, under the eastern tyrannies, and their subjection to all popular^p governments, both antient and modern, that ever were founded in the world^q.

^l Oros. l. 4. c. 1. Val. Max. l. 2. c. 91. Liv. l. 1. c. 43. ^m Dion. p. 63. ⁿ Suet. in Aug. c. 31.
^o Tacit. l. 4. c. 17. ^p Vopisc. in Aurel. c. 35.
^q Frontin. de Coelo, p. 35. Hygin. p. 206.

My next consideration shall be to examine how Numa applied the authority of the church to defend the grandeur of the monarchy. The people, by their original constitution, had a negative vote in the choice of their magistrates, in the passing of all laws, and in the resolution of peace and war^r. The elections of the magistrates before the institution of the *Comitia Centuriata*, by Servius^r, lay almost wholly in the power of the people, who out-voted the nobility by their numbers. But Numa, by an artful policy, curbed this mighty privilege of the commons^s: for he instituted a college of augurs, or diviners, who were to consult the gods upon the creation of their officers^t; and without the concurrence and authority of this college, all the public resolutions of the people were void: so that the augurs were a kind of fourth state^u; and being chosen out of the nobility, were the creatures and dependants of the kings, and interposed their authority to vacate the election of any magistrates disliked by the king, without throwing the odium upon the regal power.

^r Dionys. p. 65, 66.

^s Liv. l. 1. c. 36.

^u Liv. l. 10. c. 6.

^t Polyb. p. 643.

^t Dionys. p. 6.

The supreme power of the result, in the enacting of all laws, was likewise vested in the commons^v; which Numa destroyed by the same policy. It is true, by the antient constitution of Rome, the kings had the sole right of proposing laws to the people, and consequently had no need of the augurs to put a negative upon any law. But Numa was too wise to hazard the affection of the people, by refusing to propose any popular laws, and rather chose to make use of the authority of the augurs upon a dead-list, than expose his prerogative to the hatred of the people. Though it appears from Pliny^w, that Numa had parted with that branch of the regal power, the sole right of proposing to the people; for he makes mention of a *lex posthumia*, (and all laws were denominated from their proposers) enacted in the time of Numa: a concession which Numa very dextrously destroyed by the authority of his college of diviners.

By the same artifice he invaded the third branch of the people's power^x, the right of determining of peace and war. But in his nature being averse to war, and turning the streams of his counsels to the peace-

^v Dionys. p. 65.

^w Plin. l. 14. c. 12.

^x Liv. l. 1. c. 19.

ful arts of government, he took particular care to secure the possession of his right to the crown^y; in order to which design, he added to the unlimited jurisdiction of the augurs an institution of a college of heralds at arms^z, composed of the nobility, whose province was to judge and determine of the rights of war and peace, and were, in other words, the public casuists of the state; with such an unbounded authority, that though the three states and the augurs^a had concurred upon declaring war, yet the heralds, by virtue of their office, had power to reverse their resolutions, unless the causes of the war appeared to them to be just and honourable. This order was founded upon the same principle with the former: That if the people had resolved upon war, against his inclination, he might still have a reserve to apply to in order to prevent it.

That these were the considerations upon which Numa founded the institution of the augurs, is apparent from the authority of Cicero^b; who says expressly, *retinentur auspicia ad opinionem vulgi, et ad magnas reipublicae utilitates*^c: and in another place,

^y Serv. ad Æneid. p. 1469. ^z Dionys. p. 97.

^a Ibid. p. 98.

^b Cic. de Leg. l. 2. c. 13.

^c Cic. de Div. l. 2. c. 39. l. 2. c. 18, 35. De Leg. l. 3.

ut multos inutiles comitatus probabiles morae impedirent. Besides the power of dissolving the assemblies of the people, and annulling their votes and decrees, the monarchy derived other advantages from the creation of these two orders: for by making the consent and approbation of the gods, consulted by their diviners, necessary to the success of all their public counsels and undertakings; and the nobility claiming this right of inquiring into the will of heaven, by virtue of a pretended sanctity inherent to their characters; the commons were excluded the great magistracies of the state, under a pretence that they had not the auspicia; that is, that they had not such an imaginary holiness as was necessary to engage the gods to give manifest tokens of their approbation or dislike upon their election, or upon any expedition to be undertaken by a Plebeian magistrate^d.

This politic device of the nobility lasted for some ages after the expulsion of the kings, till the commons grew wiser, and discovered the juggle. But of the declension of these two orders I shall treat hereafter, when I come to examine the causes of the dissolution of the aristocracy of Rome.

^d Liv. l. 4. c. 6.

These politic orders were the great springs and wheels upon which this mighty fabric turned: but as all natural bodies are born with seeds of dissolution in their own frame, so these great artificial bodies, commonwealths, are founded with *κίρη συμφοραί*, such ^e original flaws in their first constitution, as, in some periods of time, corrupt and dissolve them.

The guard of the Roman monarchy was the clergy and the nobility, whose interests were closely interwoven with those of the royalty; which is the only balance in nature, that a limited constitution of monarchy can be founded on. This was wisely thought on by Romulus; but he took some false measures, which were the leading steps to change the form of government from monarchic to popular; the most considerable of which were, the making the monarchy elective; allowing such a share of property to the commons; increasing the number of people by naturalizing all foreigners, and trusting arms in their hands.

The first defect in the constitution of the monarchy was the making it elective. It is true, elective monarchies are for the interest and advantage of the people, but are not

calculated to support the authority and grandeur of the crown. The people, by the favour of elective empires, avoid all the weak reigns of minors and women, successions of dissolute and degenerate princes, and contests about disputed titles and pretensions, which make such convulsions in hereditary governments: and the crown being conferred upon virtue and merit, not on the rash result of fortune and descent, must produce a more illustrious succession of princes. Witness the mild and happy reigns of the kings of Rome^f, who came to the crown by the free choice and consent of the people, all renowned for justice, virtue, and the honest arts of government: whilst of all the Roman emperors that inherited the monarchy by succession and descent, two only had the reputation of virtuous and moderate princes.

For a proof of this assertion, that elective monarchy is less dangerous to the liberties of the people, I need only observe, there is not one instance in antient or modern story of an absolute elective monarchy, except that of Rome under the emperors, and that of Ægypt under the Mamalucs, which were

f Spartian. in Severo, c. 21.

both military governments, and the pope-dom, which is an ecclesiastical one : and it is generally observed, that elective empires end in commonwealths, and hereditary ones in tyrannies and arbitrary governments. These are the happy effects of elective monarchies, with regard to the liberties of the subjects : but they want force and vigour from their inward constitution, to preserve the authority of the regal rights, much less to encrease and enlarge the prerogative of the crown.

Men, advanced from a private fortune to this great station, retain their first impressions of freedom, which the condition of a private life taught them under the dominion of their predecessors; which incline them to protect those rights and privileges as sovereigns, which they contended for as subjects. And a wise people seldom make choice of a man to command them, the experience of whose private life has not warranted the moderation of his reign; and none are so likely to make good governors, as they who in their private capacities have observed the different tempers and inclinations of the people, upon the different conduct and genius of princes : the true vein and current of a nation being general-

ly concealed from kings by crouds of designing ministers, and adulation of servile flatterers. These considerations may probably sway with some princes, not to invade the liberties and laws of the nation: but most elective kings are deterred from such an attempt, by the difficulty of the undertaking: they rarely have strength to put in force such resolutions.

Hereditary princes, whose authority has been established by a long succession of their ancestors, strengthened with leagues and alliances abroad, supported by mighty dependances at home, of those who share with them in the government, or push on their fortunes at the expence of the public, cultivated by the same course of measures and counsels, and made sacred by the force of custom and the habit of obeying, may aspire with all these helps to absolute dominion, with some probable grounds of success. But elective monarchs are destitute of all these great springs of power and authority; and rarely succeed in such an attempt, without a lucky hit or an extraordinary concurrence of accidents and causes; but generally lose ground, and decline every succession, by reason of the authority of the people, who, being vested with the right of disposing the

crown, force every new prince they advance, to plume his prerogative; and increase their privileges to a degree inconsistent with the sovereign power. Nor can the nobility, the best guards of monarchy, in such a constitution be so wholly devoted to the king; for they must engage the votes and interests of the people, by all the arts of popularity, if ever they expect to have their pretensions to the crown upon a vacancy seconded by the favour and concurrence of the multitude.

Besides these limitations and bounds of elective monarchs, they have a nearer interest not to invade the liberties of their country, which is the good of their families; for the crown not descending to the next of blood, they are certain that as much as they add to the grandeur of the monarchy, so much they add to the slavery of their posterity, who are to be private men. And should an elective prince form a design of making the crown hereditary, he will certainly be opposed by the commonalty, whose right of election is violated, and by the nobility, whose hopes of succeeding are destroyed.

From these considerations I am inclined to think, that this constitution of the Ro

man monarchy was a fault in the first concoction, and was the original of the succeeding laws in favour of the people. But whether it was first designed by Romulus, or instituted by the Romans after his death, is uncertain; though I am apt to believe that Romulus having no children, as in his life-time he gave liberty to Alba^g, which descended to him by the death of his grandfather Numitor; so after his death he designed, at least, to have left the election of their kings to the people, without appointing any successor of his own nomination. Whoever was the author of this institution, it is certain, that it was the great moving cause of all their following concessions and privileges to the people.

Romulus, their first king, to reward the good affections of his new subjects^h, made an equal distribution among the people of the territory belonging to Romeⁱ, except of the crown and church-lands; and as he grew greater, divided all the conquered lands among the multitude, (a custom followed by most of the succeeding kings.) This donation was a false step, never to be

^g Plut. in Rom. p. 61.

^h Dionys. p. 62.

Plin. l. 18. c. 2.

ⁱ Varro de re rus. l. 1. c. 10.

reconciled to the true interest of sovereign power, from that eternal principle, that "equality of possession makes equality of power:" and whenever the balance of property sways to the people, the monarchy naturally resolves into a popular government.

The third fault was the making a limited monarchy, a government for increase; in order to which the numbers of the people must be enlarged, and the sword put in their hands; for conquests abroad must be gained by the vigour of a brave militia at home; and a brave militia must be formed of men spirited by freedom, plenty, and property. Conquests abroad must be preserved by force of numbers of people; and numbers of people can be gained only by naturalization of foreigners, who never will be tempted from their native seats, unless allured by the ease and liberty of the government. Thus the generous ambition of extending their empire made the kings of Rome sacrifice the rights of the monarchy to the liberties of the people; for without freedom and property, they found it impossible to compose a brave or a numerous militia, both which are the genuine roots

of a commonwealth: for a people that have property in possession, and swords in their hands, rarely submit to the dominion of one. Independance being the interest of the many, and monarchy but of the few; by how much greater the number of the people is, by so much stronger is the guard of liberty.

These were the natural seeds of the generation of the Roman commonwealth, concurring with many other accidental causes, such as the example of most of the neighbouring states of Greece^k and Italy, who were generally republics. For changes of government are often derived by imitation into the humours and customs of a nation; and the Jews^l chose a monarchy, because the people round them were all under that constitution: and the late revolutions in England were in some manner owing to the example of Holland, and other foreign commonwealths.

Another cause was, their king's leaving no issue behind him, (at least of age and abilities to command) who, by the numbers of his father's dependants and retainers, might

^k Dionys. p. 287.

^l 1 Sam. c. 8.

have pretended to the crown, and made it hereditary.

And last of all, the moderation and virtue of their kings, which was owing to the constitution of elective monarchy, who all successively vied in emulation, who should be the greatest benefactors to the people.

In this place it will not be improper to take a short survey by what paces and steps this great revolution, from a kingly government to an aristocracy, was brought about in Rome.

Romulus made the first institution ^m of dividing the public, and conquered lands among the people, and afterwards made Alba a free state; which set the Romans ⁿ a longing for a commonwealth, as Plutarch ^o observes, which they established upon his death, but had not strength to continue, from their own divisions and the unsettled posture of their own affairs; which made way for the promotion of Numa ^p, who divided the public lands of the city among the citizens who had no lots, and ^q committed a great oversight in dividing the

^m Dionys. p. 62.

ⁿ Cic. de Rep. l. 2.

^o Plut. in Rom. p. 61, 62.

^p Dion. p. 92.

Plut. in Num. p. 129.

^q Messala Corvin.

Liv. l. 1. c. 20. Plut. in Num. p. 117. Cic. Phil. l. 5. c. 6.

chief priesthood from the kingly power; it having been vested before in Romulus, and afterwards by the policy of the Roman emperors inseparably annexed to the crown. Numa likewise disbanded his guards. Hostilius divided all the church and crown lands among the people, and instituted or confirmed their rights of hearing all appeals; which was making them sovereign judges in the last resort.

And though Ancus left things in the same state he found them, and Tarquin made some steps to recover the grandeur of the monarchy by the addition of ^r one hundred new senators (*Senatus majestatem numero ampliavit*, says Florus) and adorned the imperial dignity with the ensigns of royalty, and the outward forms of greatness; yet he debased ^t the majesty of his character by submitting his title to the people, and pleading his cause before them; which was owning the supreme authority to be lodged in them.

But Servius being advanced to the ^s throne by the favour of the commons, against the will of the nobility, gave the finishing stroke

^r Dionys. p. 48. Florus, l. i. c. 5. Dionys. p. 145, 146, 152, 160, 162. ^f Plut. de fort. Rom. p. 574. Dionys. p. 160, 170.

to the ruin of the monarchy, by dispossessing^t the Patricians of all the public lands they had engrossed, and distributing them to the people; by paying the debts of the commons; by erecting courts of judicature independent of the crown; and by the institution of such laws^u as established an equality between the two orders, in the decision of civil controversies, and in their contributions to the public charges. It is true, he strengthened the Patrician interest by introducing an inequality of suffrages in their favour: but he quickly repented his conduct, and applied himself so entirely to the good of the people, that the nobility were alarmed at it; and, in conjunction with the new pretender Tarquin, formed a design to dethrone him: and when, by his great authority with the commons, they miscarried in an open attempt of deposing him, they cut him off by a barbarous assassination, in the midst of that glorious design he had formed of introducing an equal commonwealth. Thus Tullius^v plainly inclined the balance of power and property from the nobility to the commons.

* After his death, Tarquin usurped the

^t Dionys. p. 166.

^u Ibid. p. 180, 181, 201.

^v Ibid. p. 180.

throne in a lawless manner, without the usual ^w forms of election and consecration, to the dislike of the nobility, and an utter abhorrence and detestation of the commons, for the barbarous murder of their great patron and benefactor Servius: and the whole course of his reign was answerable to his beginning; he invaded all the privileges and liberties of the senate and people, and exercised his tyrannies with all the inhumanity and barbarity imaginable, without engaging any party to support him, or making use of one order to destroy the other, that he might with more ease oppress all. His foreign guards, instead of protecting him from the popular fury, served only to inflame the general abhorrence of his tyrannies, without being an over-balance to the people. But his arbitrary government being settled upon no solid foundation, could be of no long standing; the senate wanting nothing but a favourable conjuncture, and the commons nothing but a warm leader, to break out into open rebellion. The rape of Lucretia enflamed the general discontents, and raised such a storm, as ended in the expulsion of Tarquin and his family, and the dissolution of the monarchy.

w Dionys. p. 181, 201.

Thus I have traced this great revolution from its original, in its remotest and most distant causes, down to the last period of the monarchy under Tarquin. The natural causes of it were the mighty concessions and privileges conferred on the commons by the bounty of their kings, and such a share of property, as over-balanced the possessions of the kings and the nobility together, which begets an independence; after which there can be no cause in nature assigned for obedience and subjection. So that the balance of dominion being vested in the commons, the monarchy of course must die a natural death. And to finish the revolution, the nobility disobliged by Tarquin, closing with the people; and the army, the last refuge of tyranny, being composed of men of property, and by consequence conspiring with the national interest, Tarquin had no reserve to appeal to, but lost his crown without striking a blow: and the monarchy resolved into an aristocracy; and that into a democracy; and that too relapsed into a monarchy, as the balance of lands varied from one order to another.

These periods and revolutions of empires are the natural transmigrations of dominion from one form of government to another; and make the common circle in the genera-

tion and corruption of all states. The succession of these changes Polybius knew from experience, but not from their true natural causes: for he plainly derives * these alterations from moral reasons; such as vices and corruptions, the oppression and tyranny of their governors, which made the people impatient of the yoke, and fond of new forms; and not from the change of the only true ground and foundation of power, property. To confute this great man, I only appeal to the examples of the famous monarchies of Rome, under the emperors, and of Turkey; which being founded on the balance of land, after so many successions of effeminate and tyrannical princes, stood firm; and the people, provoked often by their oppressions, rebelled against the monarch, but never against the monarchy: for while the root of power continues, the government will last, tho' the branches are lopped off. But the first Roman empire not being founded on this steady balance, the people, who were in possession of it, wanted nothing but oppression to make them exert their power, and nothing but a tyrant to set them free.

Thus it appears that land is the true center of power, and that the balance of

* Polyb. l. 6.

dominion changes with the balance of property; as the needle in the compass shifts its points just as the great magnet in the earth changes its place. This is an eternal truth, and confirmed by the experience of all ages and governments; and so fully demonstrated by the great Harrington in his *Oceana*, that it is as difficult to find out new arguments for it, as to resist the cogency of the old.

But to return from my digression, in the next place I shall examine what methods the Romans took to hinder the restoration of Tarquin, and preserve their liberties.

Their first step was their solemn abjuration of the regal title ^y and office (*abjuratio regii nominis et potestatis*, says Orosius ^z) made by the whole body of the Roman people, in the name of themselves and their posterity; a precedent which they copied from the Greek ^a commonwealths, who after the expulsion of their tyrants, entered into solemn oaths and engagements to defend their liberty. This was a wise counsel of the Romans, and in the greatest distress of their affairs ^b, made them suffer the last extremities, rather than hearken to

^y Dion. Cass. p. 470. Dionys. p. 205, 207.
Plut. p. 178.

^z Lib. 2. c. 4.

^a Liv.

l. 2. Appian. in praefat.

^b Dionys. p. 49.

any overtures of restoring their tyrants: so sacred and binding was the obligation of an oath to that great and virtuous people.

2. An act of general ^c indemnity and oblivion, which took in all those who joined with Tarquin, more from an apprehension and dread of punishment from the state, for having favoured the illegal usurpations of the tyranny, than from any personal affection or engagement to his cause.

3. The severe punishment of the Consul's sons and the rest of the nobility, who had conspired to restore the Tarquins: for however monarchies or tyrannies may subsist, commonwealths can never stand without a rigorous execution of that great sanction of their laws, rewards, and punishments^d.

And last of all, the restoration of the popular laws of Servius, and the institution of new ones^e, together with the distribution of the goods of Tarquin among the people, and the division of all his lands to the commons; which, with all the forfeitures and confiscations under such a tyrannical reign, must amount to a mighty revenue.

This made the breach between the crown and the people irreparable, by involving

^c Dionys. p. 213.

^d Machiav. l. 2. c. 16.

^e Dionys. p. 209, 213, 216.

the whole community in one common guilt; and widened the popular balance, by multiplying the property of the state into so many hands; which gave the people such a degree of power, as made the return of Tarquin by any inward convulsion impossible: for it is ridiculous to imagine, that any free, brave, independent people, could have the least shadow of interest to subject their reasons, lives, and liberties, to the arbitrary commands and resolutions of a private will, instead of being ruled by laws of their own making, magistrates of their own creation, and a form of government of their own chusing.

These popular concessions of the nobility effectually excluded Tarquin and the monarchy; but were the leading causes of the destruction of their new aristocracy, which shall be the subject of my next consideration.

I have often wondered that the Romans, instead of settling a democracy after the expulsion of their kings, should make choice of an aristocracy; considering that the revolution was brought about by the^r people, and not by the nobility, who had been utterly ruined by the tyranny of Tarquin,

and were in no condition to make head against his arbitrary conduct; much less by their numbers, and their authority, to influence such a mighty turn of affairs. Their share in the revolution was no more than breaking the ice, and inflaming the people to take up arms; but without their concurrence they had infallibly perished in the attempt. All that can be said in vindication of the people, is, that they were unused to command; and from the habit of obeying, willingly submitted to any constitution which the nobility imposed on them; or else for want of a demagogue to form a popular model, or from ignorance of union, were not sensible of their true force and strength; or else their terror and apprehensions from abroad of Tarquin and his return, made them assent to the dominion of the senate, rather than hazard all by an unseasonable division at home. But whatever the considerations were, it is plain they lodged the sovereign power in the senate and the two consuls, who were vested with all the royal authority: *Omnia jura regum tenuere primi consules*, says Livy ^g. But when the storm of Tarquin blew over, and their apprehensions of foreign invasions ceased, they grew

^g Liv. l. 2. c. 1.

quickly sensible of their error, in surrendering the government into so few hands; and in short time turned their new masters out of their seats, and by degrees moulded the government into a more popular model.

The aristocracy was founded upon the shattered balance of the monarchy, and composed of the nobility, unequal either by their numbers, possessions, or authority, to the riches and greatness of the commons, who had been growing many ages, by the lenity and indulgence of the former reigns, and the new concession of the senate, after the expulsion of the last kings, which I have already mentioned; so that the government stood on no solid foundation of real power, and only depended upon an imaginary balance of authority, derived from the institution of these two laws.

1. The exclusion of the commons^h from all places of command, under a pretence that they were not qualified for the right of divination, which was necessary to the obtaining all the great magistracies. And,

2. The institution of the dictatorianⁱ power, which was an expedient contrived by the nobility to destroy the right of appeals, confirmed to the people by the Va-

^h Liv. l. 4. c. 5.

ⁱ Dionys. p. 246, 284.

lerian law; which this magistracy absolutely subverted, and got an unlimited jurisdiction in all criminal and civil cases, in the last resort, without any appeal to the people. But these laws, being founded against the true balance of the commonwealth, wanted force and strength to support the dominion of the Patricians; nor had the Patricians authority and power to support these laws against the irresistible greatness of their rivals, the commons, who would obey no longer than the councils and resolutions of the senate were directed to the public good of the whole community. For when the commons saw pretences of one kind, and actions of another; when they beheld the senate to be governed by their private factions and interests, violating their own laws and liberties, exercising power with all the inhumanity and barbarity imaginable, handling their debtors without mercy, and imprisoning them for not paying money; taken up at unreasonable interest, the debtors, not the seventh part of the people, in conjunction with part of the senate, and the whole order of the commons, kindled such a flame as ended in the dissolution of the aristocracy, and the settlement

of an equal commonwealth. The causes from which this revolution was derived shall be the subject of my next consideration.

A man, who would take a survey of the original principles of this second change of government, must take wing from a rising ground, and mount up to those remoter and more distant causes which insensibly and by degrees influenced this mighty revolution, *viz.*

The decay of the power and authority of the Patricians, under so many successions of kings; their visible declension under Servius; and the almost utter ruin of the order, under the tyranny of Tarquin: and, The proportionable growth and increase of the commons by the addition of so many privileges and immunities to their order; their great possessions, the plenty of their fortunes, their independance on the nobility; of all which, power and dominion is but the natural result.

These two former causes I have discoursed of at large: the more immediate cause was the dissolution of the monarchy by the joint counsels and united interests of the whole body of the people; this made them reasoners in matters of politics and govern-

ment, and impatient of any insolence and oppression: this taught them a refuge to appeal to from the tyranny of any other governors, and made them disdain any other subjection, than to the empire of the laws ^k; the filling up of the vacant places in the senate ^l with commoners, who must of course be more warmly concerned for the interests of the people than hereditary nobles.

The right of electing the senate ^m conferred on them by Brutus, after the expulsion of the kings; which the people continued in possession ⁿ of till the first creation of the censors. This gave the people an ^o advantage of chusing more popular members into the senate, and was, perhaps, the reason which engaged such a strong party in the senate to oppose the unjust incroachments of the Patricians, and to favour the just pretensions of the people.

These were the natural causes of the final period of this government, with which some other accidents concurred: as, 1. The conjuncture of a foreign war; which the senate being unable to manage in such a distracted state, they consented more easily to the demands of the commons. 2. The in-

^k Dion. p. 213. ^l Liv. l. 2. c. 1. ^m Ibid.
¹ 4. c. 4. ⁿ Cic. pro Sextio, c. 65. ^o Festus.

vincible courage and matchless virtue of the old Romans, and their disdain of servitude, from the force of custom, or the impressions of education. All these causes conspired to make the aristocracy an easy triumph to the people.

Thus the weak constitution of this government, not founded on the true centre of dominion, land, nor on any standing foundation of authority or reverence, nor rivetted in the esteem and affections of the people; and being attacked by the strong passion, general interest, and joint forces of the people, mouldered away of course, and pined of a lingering consumption, till it was totally swallowed up by the prevailing faction, and the nobility were moulded into the mass of the people.

In the next place, I shall examine upon what laws and orders the popular frame of government was erected, and by what policies and institutions secured from a relapse into any of the old forms.

The first blow given to the aristocracy, was the recision of the debts to the commons^p, which weakened the interest of the nobility, by taking off the great dependence of the inferior rank of the people upon them.

The second was the erection of the tribunes ^q and other Plebeian magistrates, for the security and protection of the commons, with a sacred authority and negative vote upon all the proceedings of the senate.

The institution of this magistracy of the people, besides all the other advantages derived from it to the commons, united the whole body of the people under the general conduct of leaders and demagogues of their own order, made their counsels ^r steady, and their resolutions unanimous; and took off that impression of single fear, which the commons had of the Patricians, from the ignorance of union; was a certain refuge to appeal to, for the redress of all their grievances; and taught them to make regular advances and approaches, to the destruction of the aristocracy.

The third was the power of proposing and debating laws ^t, which the commons assumed by virtue of their new magistrates, whom they advanced at last to a power of enacting laws, without the authority of the senate.

The fourth was the usurping a right ^s

^q Dionys. p. 303. Liv. l. 2. c. 33. ^r Dionys. p. 292. ^t Idem. p. 319, 546. Liv. l. 3. c. 54. l. 8. c. 12. ^s Dionys. p. 341.

to try the nobility for crimes committed against the state; which was a security wisely provided for by the people, to soften the absolute power of the dictator, who, by this law, was accountable to the people, after the resignation of his office, for severities exercised against them in the time of his jurisdiction. This likewise confirmed the old law of appeals to the people from the magistrates, which had been dexterously destroyed by the nobility, by introducing the dictatorial power.

The fifth was regaining an equality of suffrages in the elections ^t of their own magistrates, and in the enacting of their laws; a right which they formerly enjoyed in the *Comitia Curiata*, but which they lost ^u in the *Comitia Centuriata*, introduced by *Servius Tullius*, and recovered again in the trial of *Coriolanus* by the *Tributa Comitia*.

The sixth was the obtaining a standing body of laws; collected from the wise institutions of the Grecian commonwealths ^v. This system of laws prescribed the bounds of right and wrong, and regulated the proceedings of their courts of judicature; whereas formerly all controversies between man

^t Dionys. p. 342, 446.

^v Dionys. p. 463.

^u Liv. l. 3. c. 33.

and man were decided by the arbitrary will of the consul, without any known forms or established methods of judging.

Seventhly, The excluding the diviners from interposing their authority and jurisdiction ^w in the debates and resolutions of any popular assemblies: for whereas by their antient constitution, no election of any magistrate, nor any public determination, was valid, till ratified by their approbation, under this pretence they opposed all the just rights and pretensions of the people. To destroy therefore the negative vote of the diviners, the tribunes contrived an expedient to institute a new form of assembling, which they called the *Tributa Comitia*, wherein the augurs ^x were not allowed to consult the gods; and, by consequence, the people were left absolute masters of their own proceedings and resolutions.

Eighthly, The Agrarian law; which tho' the people never perfectly obtained, yet they got large shares of the conquered lands into their possession, either by allotments to the citizens at home, or by planting colonies in the enemies territories abroad; which confirmed and kept up the popular

^w Dionys. p. 441.

^x *ibid.* p. 446.

balance against the encroachments of the nobility.

Ninthly, The mighty growth and increase of the numbers of the people, occasioned by laws ^y prohibiting the barbarous practice of exposing their children; by manumitting their slaves, and enrolling them in the list of their free citizens ^z; by the institution of such laws as compelled every Roman citizen to marry ^a at such a determinate age, under severe penalties: and lastly, by the promiscuous naturalization of all foreigners ^b.

To the growth of the multitude of the people may be attributed the growth of their power; for the numbers of people are the true guards of liberty, and always opposite in interest, and an over-match in power, to any aspiring faction. This accession of strength to the commons, together with their warlike temper, inflamed by perpetual victory abroad, spirited them with a generous sense of freedom, and made them disdain subjection to the dominion of the few.

^y Dionys. p. 66, 428.

^z Ibid. p. 428.

^a Plut. in Cam. p. 235. Paneg. Max. et Const. p. 448. Festus in verbo Uxorium.

^b Val. Max. l. 2. c. 9. Dionys. p. 66, 110.

Tenthly, The repealing the law, ^c which forbad a common intercourse of marriages between the Patricians and Plebeians; which rooted out that fatal distinction between the two orders, which had kindled so many flames, and raised such storms in the state; but which, being now repealed, established the whole community on an equal foot of liberty; for, as Livy ^d very well observes, *Omnia discrimina quibus ordines discernantur, libertate et concordia aequè imminuenda sunt.*

This promiscuous communion of marriages encreased both orders, not only in alliance but interest; and by degrees formed them into one body: for whereas formerly the nobility, by virtue of an imaginary excellency peculiar to their families, challenged the sole right of divination, and consequently engrossed all the great posts of command; this law introduced such a mixture and confusion of blood, as cut off that pretence, and made way for the easy reception of the

Eleventh law, which gave the commons a right to be elected ^e into the civil government of the senate, to be consuls, dicta-

^c Liv. l. 4. c. 6.

^d Ibid. l. 30. c. 54. l.

34. c. 35.

^e Ibid. l. 6. c. 42.

tors, priests, and, in the course of time, to be equally admitted to all the great dignities and offices of the commonwealth.

The nobility being thus moulded into the mass of the people, and both orders entitled to a common right of enjoying the same privileges and dignities, the next care of the people was to secure the present settlement, by making timely provision, that no single man, or order of men, by their riches, possessions, or authority, should so over-balance the rest of the community, as to aspire to absolute dominion. In order to which, they made these following institutions.

1. The Licinian law, which limited the possessions of all private men to five hundred ^f acres of land; which established the great balance of the commonwealth, and would have rendered it immortal, had the law been effectually put in execution.

2. The Cinian law, which prohibited ^g the payment of fees and pensions to all patrons and advocates: whereas before the enacting of this law, ^h the people were tributary to the great men and the senators, who were the only lawyers of the state:

^f Liv. l. 6. c. 35, 42.

^h Tac. Ann. l. 11. c. 5.

^g Cic. de Senec. c. 4.

Vestigalis jam, says Livyⁱ, et stipendiaria plebs senatui coeperat esse.

3. The Flaminian law, which enjoined, that no senator should possess any ship^j of considerable burden; which hindered them from enriching themselves by the gain of foreign trade and commerce.

4. The institution of the *leges usurariae*^k, or the laws restraining usury within moderate bounds. The Romans had found, by experience, the mischievous consequence of high interest for money^l, and wisely sunk it, first to one *per cent.* and then reduced it one half lower; and at last^m utterly abolished all usury. These laws, as Livy remarksⁿ, were *haudquaquam patribus laetae*: for the senators, by the advantages^o they had of commanding the armies, and other opportunities, were the moneyed men who exercised this unlawful trade, and consequently engaged a dependance of the commons upon them, which the passing of this law destroyed; and likewise established the national balance entirely on land, which the people had the largest share of.

ⁱ L. 34. c. 4.

^j Liv. l. 21. c. 63.

^k Liv. l. 7. c. 16, 27.

^l Tac. Ann. l. 6. c. 16.

^m Appian. p. 645. Edit. Amst. 1670. Octavo.

ⁿ L. 7. c. 42.

^o Dionys. p. 232.

5. The institution of the *leges annales*, or the laws ^p of determining the age requisite for enjoying all the great magistracies of the commonwealth. This law cut off the early ambition of young men, and was one way to prevent the same persons from being often in the same dignities.

6. The laws against canvassing and soliciting for places ^q, which destroyed the freedom of elections (of which a commonwealth ought to be tender) and laid open all the great honours to bribery and corruption, instead of virtue and merit; which is always fatal to the liberties of a free state, as Lucan finely remarks :

——— *Lethalisque ambitus urbi*

Annua venali referens certamina campo ^r.

7. The laws in force against the continuation of magistracy ^t; for nothing sooner dissolves a commonwealth than the continuance of authority ^s too long in the same hands. It likewise subverts that successive change of magistracy, which is the fundamental ^t constitution of all equal govern-

^p Liv. l. 40. c. 43. Cic. Philip. 5. c. 17. Paneg. Theod. p. 503. ^q Liv. l. 7. c. 15. l. 9. c. 26. l. 4. c. 25. ^r L. i. v. 180. ^s Liv. l. 7. c. 42. l. 10. c. 13. ^t App. de Bel. Civ. l. i. ^t Plut in Coriol. p. 389.

ments, where the whole community ought to have their turns of commanding and obeying: *Vicissitudo imperandi, quod unum exaquandae libertatis est*, says Livy ^t.

8. The laws against accumulation of magistracy ^u, directed to the same ends with the former, lest the possession of too much authority should attempt the magistracy to invade the liberties of the nation. Plurality of offices also destroys the free rotation of dignities; and is, as Livy truly says ^v, *nec jure ullo, nec exemplo tolerabile liberae civitati*——against all right and equity, a dangerous precedent, and never to be encouraged and endured by a free government.

9. The limitation of those offices in time, which were unlimited in power, as the censors ^w and dictators; and the limitation of those offices in power ^x, which were unlimited in time, as the whole order of the clergy ^y, whose jurisdiction was abridged under the popular government, as I have proved at large, and little distinction of value ^z and authority left them after the publication of the laws, rituals, and calenders ^a, the cu-

^t L. 3. c. 39.

^u Liv. l. 7. c. 42.

^v L. 39. c. 39.

^w Liv. l. 9. c. 29. l. 4. c. 24.

^x Val. Max. l. 2. c. 5.

^y Cic. pro Mur. c. 11.

^z Val. Max. l. 2. c. 5.

^a Liv. l. 9. c. 46.

study of which they were antiently entrusted with. This law was founded upon very good reasons; for, as Livy says ^b, *Maxima custodia libertatis est, si magna imperia non sunt diuturna, et temporis modus imponeretur, quibus juris imponi non posset.*—

10. The making the fundamental branches of their constitution ^c, as the abolition of the kingly office, and the institution of the magistracy of the tribunes, sacred and unalterable ^d, and confirmed by the most solemn oaths and engagements of the whole body ^e of the people, in the name of themselves and their posterity. Nor could any of the first rate of magistrates be admitted to act ^f, till they had sworn to support and maintain those and all other laws of the commonwealth.

11. The *leges tabellariae*, or the institution ^g of voting by the ballot, which was an expedient found out to preserve the freedom of elections, which were awed and influenced by the greatness and authority of the senators. *Leges tabellarias*, says Tully ^h, *populus oppressus dominatu et potentia prin-*

^b L. 4. c. 24, 42.

^c Dionys. p. 205, 207.

^d Liv. l. 3. c. 55.

^e Dion. p. 303, 332, 336.

^f Liv. l. 31. c. 50.

^g Ibid. l. 31. c. 5.

^h De Leg. l. 3.

cupum flagitavit. This single law reprimed the fate of the commonwealth for an age, after all the other popular laws were abolished by disuse, or openly invaded or broken in upon by the great men. It was *vindex libertatis*, and the only barrier which hindered the aristocracy from subverting the popular government, by engrossing all the magistracies of the state, which they could have commanded by their interests and dependencies among the people, if a way had not been contrived to conceal the suffrages of the commons, and screen them from the resentments of their patrons. And in such a case, where the people are left to their own liberty, they will make choice not of those whom they fear, but of those whom they esteem and love, for their own engagement to the national interest. Nor was the ballot only restrained to the election of magistrates, but at last ⁱ was indifferently applied to all the public resolutions and determinations of the assemblies of the people.

Upon the balance of these orders and institutions stood the mighty fabric, immortal from all inward diseases, and invincible

ⁱ Cic. de Leg. l. 3.

by any foreign attacks, had the same conduct and steddiness of counsels been directed to the execution of these laws, as were applied to the first founding of them. But the original causes and principles of the corruption and dissolution of this admirable government shall be the subject of another discourse.



A N
E S S A Y
UPON THE
CONSTITUTION
OF THE
ROMAN GOVERNMENT.

PART II.

IN the former part of this discourse, I have attempted to take a short survey of the civil and ecclesiastical constitution of the Roman commonwealth, together with the various changes and revolutions of their government, deduced from their true and natural causes, down to the last great reformation of their government, and the foundation of a more equal commonwealth: and in the conclusion of the whole, I have endeavoured to give a brief account of the chief laws and institutions which so equally balanced this last establishment, by such a wise

and proportioned distribution of power among the several orders, councils and magistrates, as rendered it so many ages secure and unshaken by foreign force or domestic rage.

The subject of this following part is the declension and decay of the Roman government, with a free enquiry into the original causes and principles, which, by insensibly corrupting their antient laws, discipline and manners, reduced it in conclusion to an absolute monarchy.

But before I enter upon this argument, it may not be improper to remove some popular calumnies, which have been raised in particular against the Roman commonwealth, and against all free governments whatsoever, by the advocates for tyranny. They object, that after the recovery of their liberty, the Romans immediately fell into confusion and disorder; that we find nothing in the histories of those times but tumults and seditions between the two contending parties, no stability in their councils, nor steddiness in their resolutions, but all governed by popular fury and faction: to which they oppose the quiet and tranquillity of the kingly government; and upon these grounds found all the objections

they make, in order to decry the popular frames of government. But that the weakness of these objections may more fully appear, I shall advance these following observations :

1. That the kingly government was not free from seditions.

2. That under the kingly government there was no sufficient security provided for the liberties of the people.

3. That the kingly government was incapable of making conquests.

4. That the popular seditions under the commonwealth never came to blood.

5. That they reformed and perfected the Roman government.

6. That there were no seditions after the commonwealth became more equal.

7. And that during this last period the Romans conquered the world.

Nothing can appear more manifest ^j than the first proposition, that the kingly government was not free from seditions: for by what other name can we call so many plots and conspiracies ^k, and the assassination of no less than four kings out of seven, and the expulsion of a fifth? If it be objected, that these were only accidental disorders

^j Liv. l. 1.

^k Dionys. l. 1, 2, 3, 4.

raised by the ambition or discontents of a few private persons; it must still be allowed, that although they were more particular in their causes, they were more universal in their effects than the violence of any popular commotions: for what can the rage and folly of a multitude commit equal to such a desperate attempt, as dissolves the government at a blow, and exposes all to anarchy and confusion; not to mention the dangerous factions which exercised the reigns of Tarquin and Servius, and which ended in the murder of these excellent princes? What seditions were raised ^l upon the very first *interregnum* ^m, and other vacancies of the throne? a defect essential to the very nature of elective monarchy, where the supreme command must of course be more strongly contended for than the annual and successive honours of a republic.

2. Nor was there a sufficient security provided for the liberties of the people under the kingly governments, for want of a due balance to keep the constitution steady. The regal ⁿ authority was indeed limited by laws ^o; but laws are dead letters, and can make no resistance to the arbitrary will of a prince, unless there is such a force in

^l Dionys. l. 4. ^m Ibid. l. 2.

ⁿ Dionys. p. 65.

^o Tac. Ann. 3. c. 26.

the government as is strong enough to support them. The guard of liberty, in most regulated monarchies, has been placed in some popular magistrates, who carefully watched all innovations upon the constitution, and had authority to question the kings themselves for any arbitrary or illegal proceedings: of this nature were the Ephori at Sparta ^p, and the Justicia at Arragon ^q. In other mixt governments, the guard of liberty was intrusted to frequent assemblies of the people in person, or by their representatives, who had a right to inquire into the management of their rulers, and had power sufficient to face and defeat the strongest league that could be formed for the subversion of their liberties. This constitution chiefly prevailed in the Gothic governments established in Europe. The wisdom of other nations limited the regal power, by placing the sword in the hands of the subject; which was the best security of all, and was the antient constitution of England, whilst the power of the militia belonged to the nobility and gentry, in a manner independent of the crown. These institutions were the great fences of liberty

^p Nepus in Pausania, c. 3. Plut. in Lycurgo, p. 79.

^q Hottomanni Francogal.

in the most celebrated mixt governments, both antient and modern, which were all wanting under the kingly government of Rome. Popular ^r magistrates they had none, till the tyranny of the senate, after the expulsion of the kings, had brought them to have recourse to that remedy. Assemblies ^f indeed they had, but the kings only having the right of convening them, and nothing being to be propounded or debated in them, but with the royal approbation, it is no wonder they proved no stronger defences against the encroachments of the last kings. The kings ^s had likewise the absolute command of the whole military power of the state. I easily foresee a plausible objection that may be urged, how it came to pass then that the Romans, instead of falling into absolute slavery, got ground upon the monarchy, till they entirely abolished it. To which I answer, That Romulus ^t, about the latter end of his reign, had made himself absolute; but the government being conferred on Numa ^u, a just and virtuous prince, he disbanded the guards, which were the chief power of his

^r Liv. l. 2. c. 33.

^f Dionys. p. 66.

^s Ibid. p. 65.

^t Plut. in Rom. p. 6.

^u Plut. in Num. p. 117. vid. Cic. Philip. 5. c. 6.

predecessor, and governed with great moderation. This example was pursued by the rest, who all generously encreased the privileges of the people; whether out of fear or virtue, I will not determine; for it is manifest it was not owing to the constitution, which could not preserve them from Tarquin, who followed other maxims. But although there was no counterpoise in the laws to balance the regal authority, yet the liberty seems to have been in a great measure supported by the mere weight of the people, whose property was the noblest root of liberty; which being at first planted by Romulus, and cherished by the succeeding princes, and being attended with that valour and spirit which is the effect of ease and plenty, made it a dangerous adventure; especially for kings who did not inherit by succession, and three of whom were strangers, to attempt upon their liberties. But errors in the superstructures may endanger the fabric, be the foundation ever so well laid, as the Romans found to their cost under Tarquin; who, claiming by succession, assumed the government without the consent of the people; and being backed at first by the Patrician interest, and by the keeping up foreign guards, and having

armed himself with a power superior to all laws, turned the government into an absolute tyranny; and had he reigned long enough to have impoverished or corrupted the people, liberty, in all likelihood, would never have been restored; but foolishly disobliging the Patricians, and putting arms into the hands of his oppressed and courageous subjects, he left an example to all future tyrants, that an army of freeholders will always turn their swords against their oppressors, whenever an opportunity presents itself.

3. That the kingly government was incapable of making conquests, there needs no other argument to demonstrate, than that so many warlike and victorious princes, could not extend their territories above fifteen ^v miles beyond the walls of Rome. The little progress the Romans made under the monarchy may be chiefly ascribed to these following reasons.

Their military discipline was not established till the reign of Servius Tullius ^w, their last king except one; nor was it then brought to perfection, but received conti-

^v Plut. de fortuna Romana, p. 547. Dionys. l. 4. p. 165.

^w Eutr. l. 1. p. 8. Aug. de Civ. Dei. l. 3. c. 15.

nual improvements * from the experience of after ages. Their armies y receiving no pay were incapable of making long expeditions.

We find in their histories but one colony z planted in their conquered countries, from the time of Romulus to the reign of Tarquinius Superbus: an omission which made all their victories ineffectual; colonies being the only way by which an infant state can propagate her empire, and which Romulus wisely perceived. The maxim which the following kings a seemed to pursue, was increasing the numbers of their people, by transplanting the inhabitants of the cities they had conquered into Rome, and incorporating them into the commonwealth. This institution, it is confessed, was of excellent use, but much inferior in all respects to colonies, as I shall endeavour to shew in the following part of this discourse.

The kings did not fall into the wise measures of communicating the rights of the city to the bordering states; which was a cheap and easy way of enlarging their territories, and practised with good success by the commonwealth.

* Liv. l. 8. c. 8.

z Ostia.

y Ibid. l. 4. c. 59.

a Liv. l. 1. c. 33.

Most of the wars, which the kings made, were defensive; and we commonly find, that after they had vanquished their enemies, they were content with an honourable satisfaction for the injuries committed; sometimes with a bare submission, and often with vain titles ^b of honour bestowed on them by the conquered countries, in token of their dependance, which signified little to hold them under a real subjection: these conquests never failing to revolt ^c upon the death of the king, either presuming on the unactive genius of the successor, or pretending they lay under no obligation to perform these conditions with the prince who came after.

Rome, in its infancy, was encompassed round with warlike and numerous nations, living at their ease under free and independent governments, who contended bravely for their liberties, and held the Roman fortune long in play: under which constitution nations are very difficultly mastered by monarchies, and seldom thorowly subdued, but by commonwealths of greater virtue and liberty than their own.

4. That the seditions of the Roman com-

^b Dionys. p. 145. ^c Ibid. p. 119. 132, 138, 174, 183, 227. Liv. l. 1. c. 32.

monwealth never came to blood, is apparent from the authority^d of all their histories. It is true, there was much clamour and violence in these popular tumults, but their utmost fury ended in a voluntary retreat from the city: *Nondum erant tam fortes ad sanguinem civilem — et ultima rabies secessio a suis habebatur*, says Livy^e. I would not be understood of those seditions which happened in the corruption of the republic, which were headed by mercenary tribunes, to promote the ambitious designs of some aspiring citizens; of which more hereafter.

5. That the seditions of Rome perfected their government. Seditions do not proceed from the nature of commonwealths in general; for many republics have been entirely free from them, as Sparta, Venice, *etc.* but from defects in particular constitutions. Aristocracies, where the body of the people are excluded from the administration, are most subject to these disorders; as is remarkable in the little governments of Italy, which, being all aristocratical, were seldom free from commotions^f. The reformation of governments, which are so unequal in their constitution, must be attended with po-

^d Dionys. p. 348.

^e L. 71. c. 40.

^f Dionys. p. 287. Liv. l. 24. c. 2.

pular tumults and violence; whilst the nobility contend for their hereditary honours and privileges, and the commons strive to reduce the government to an equality. From this cause arose all the seditions of Rome; which, though for the present creating some little disorders in the state, introduced excellent orders into the government, and were succeeded by lasting quiet and tranquillity: so that upon the whole, these seditions were of excellent use to the commonwealth. § *Etsi omnes seditiones molestae fuissent, justas tamen fuisse nonnullas; neque reges ex hac civitate exigere, neque tribunos plebis creari, neque plebiscitis toties consularem potestatem minui, neque provocacionem, patronam illam civitatis et vindicem libertatis, populo Romano dari sine nobilium dissensione potuisse*; as was truly and judiciously observed by Crassus in his defence of Norbanus.

I have insisted the less upon these two preceding articles, because little can be added to the remarks which Harrington and Machiavel have already made on the same subject. I shall therefore conclude this chapter with these two remarks:

1. That notwithstanding all that has been

g Cic. de Orat. l. 2. c. 48.

objected against the popular commotions under commonwealths, monarchies are more subject to seditions, which always come to blood, and never reform the government, unless they chance to dissolve it; which is easily proved by comparing the reigns of the twelve Caesars with that space of time during which Rome was seditious, both periods containing near the same compass of time.

2. That the tranquillity of those monarchies, which happen to be free from seditions, is an argument that the subjects are so impoverished, debased, or diminished, by the arbitrary violence and oppression of their masters, that they have neither the will, the courage, nor the ability to shake off their chains; which is the present condition of most of the monarchies in Europe. And who is there that would not prefer a factious liberty before such a settled tyranny?

6. That Rome was free from seditions, after the government became more equal. The senate, after the expulsion of the kings, tyrannizing over the commons, compelled them, for their own preservation, to create new magistrates out of their own order, called tribunes; under whose conduct they gradually diminished the power

of the aristocracy, till at last they utterly extinguished it, and established the whole body of the people upon an equal foundation of liberty. This gradual reformation seems to have been completed at the creation of the first Plebeian consul, three hundred eighty-six years from the foundation of the city. The introduction of equality into the government may be best placed at this juncture, when the highest station in the commonwealth was communicated to the Plebeians, which Livy justly calls the *Arx*^h and *Columen Libertatis*; and which, as the same author observesⁱ, after long and violent contentions, begot an universal concord and union. After this time, the nobility made little^j opposition to any popular laws: *Affueti jam tali certaminum gener vinci*, says Livy. Nor did there happen any domestic disorder, in near two hundred and forty years, which deserves the name of sedition, except a light tumult of debtors and bankrupts, who retired in a rage to mount Janiculus^k, but which is omitted by several historians in the catalogue of the Roman seditions. I am not ignorant that

^h L. 6. c. 37.ⁱ L. 6. c. 42.^j L. 10. c. 6.^k L. Flor. Luc. Ampelius, Orosius.

other writers^l make this sedition more considerable; but all authors agree, that it was composed without bloodshed by Hortensius^m the dictator, and that it ended in the revival of an excellent but antiquated law. From this tumult, which happened in the four hundred sixty-seventh year of the city, to the sedition of Gracchus, in the six hundred and twentieth year of the city, Rome enjoyed a profound quiet and prosperity, not interrupted by the least domestic dissension: an example of lasting tranquillity, that can be paralleled in no monarchy whatsoever. This interval of time was the most happy and most glorious period of the Romanⁿ commonwealth, and gave rise to that valour and industry which extended their conquests over the world. And this leads me to the last proposition I advanced;

7. That the Romans, during the equality of the commonwealth, subdued the universe.

I have already assigned the most probable reasons which interrupted the progress of the Roman conquests under the monarchy. After the expulsion of the kings, the

^l Liv. Epit. l. 11. Aug. de Civ. Dei, l. 3. c. 17.

^m Plin. Nat. Hist. l. 16. p. 239.

ⁿ Flor. l. 2. c. 19. Sal. Frag. p. 410.

Patricians assumed the government, and fell naturally into the defensive maxims, which all aristocracies do or ought to pursue. It is evident, from the whole tenor of their histories, that they aimed only at the quiet and preservation of their government; that the wars they at first undertook were just and necessary, either to repel or revenge a foreign invasion: but fortune, which so often seconded the virtue of Rome, would not suffer the mighty genius of that people to languish in obscurity, and found means to interrupt the establishment of those slothful measures, by foreign wars or domestic discord: both which, by a strange fatality, equally conspired to the rise and growth of the Roman greatness.

After the banishment of the kings, the Roman ^o people made a wonderful progress in all kinds of virtue; and the indulgence of the senate, in the first years of their administration, had so raised their spirits, that the following oppressions of the nobility, instead of melting and quelling them, served only to inflame their minds, who were content with liberty before, to contend for honour and dominion with their proud and imperious masters. To divert these dange-

rous contentions at home, the nobility ^p entered into wars abroad, not with designs of conquest, but either to prevent or punish a domestic sedition; chusing rather to be vanquished in the field by their enemies, than to have hard laws ^q imposed on them in the city by the victorious tribunes.

Colonies, the best way of securing their acquisitions, were very seldom ^r and very unwillingly planted; sometimes to appease a popular tumult, at other times to prevent divisions ^r of land nearer home, or else to encourage the commons to take up arms more chearfully, to resist a dangerous invasion which threatened them from abroad. Such were the designs and policy of that government; and it is no wonder in such a divided state and such distracted counsels, if the progress of the Roman arms were in a manner at a stand. But this advantage they reaped from their foreign wars and civil dissensions, that the one preserved the courage and discipline of their armies, and the other reformed the constitution of their government. But conquest and dominion

^p Dionys. p. 265. Liv. l. 2. c. 28, 32. l. 4. c. 5, 58.

^q Ibid. l. 4. c. 1.

^r Ibid. l. 5. c. 24. l. 6. c. 16. l. 4. c. 36, 47, 49, 51, 58.

^r Ibid. l. 3. c. 1. l. 4. c. 51. l. 6. c. 21.

were reserved to complete the felicity of a free and impartial commonwealth, the establishment of which I place at the three hundred eighty-sixth year of the city, when the consulship was laid open to the commons, and the Licinian law enacted, which was the chief strength of the popular constitution of government.

After this reformation of the commonwealth their affairs quickly assumed another face: that virtue and ambition, which had been so long oppressed by the faction and dominion of the few, had a free scope to exert itself, and a wide field to range in: *Hinc majora bella*, says Livy^s; at this time they began to aspire to the dominion of Italy: and although they were weakened by the revolt of their old allies the Latines, and attacked about the same time by the Samnites, the most warlike, and the Tuscans, the richest and most populous nation of Italy; yet their unwearied virtue and industry overcame all these difficulties, and in less than a hundred years reduced all Italy under their obedience, which had held them at a bay for so many ages before. Pyrrhus was an easy triumph; and the Carthaginians, who disputed the empire of the

world with them in three long and bloody wars, with various successes, being at length born down by the mere weight of their constitution, as Polybius observes^t; and Philip, with Antiochus and Perseus, being an unequal match for their arms, they remained, in conclusion, the absolute masters of the universe. This amazing progress of their conquests may be chiefly assigned to these following reasons:

That their domestic factions, being extinguished, left them at liberty to pursue their foreign conquests.

That the counsels of popular assemblies are more bold and courageous than the resolutions of senates and princes. There is a certain natural vigour that animates the debates of a multitude, and has often-times a mixture of rashness in it; a defect, it is confessed, but flowing from a noble principle. To what other cause can be assigned the vast hopes and ambitious designs of the states of Athens, Carthage, and other governments, where the people bore the greatest sway, but to an excess of courage, flowing from liberty and equality, which raised the same spirit and disposition in the Romans;

^t P. 373, 687.

but regulated by wiser orders, strengthened by better discipline, and founded on a larger bottom?

Add to this, that fame, ambition, and avarice, the common inducements to all great undertakings of this nature, reign very strongly in popular assemblies, where the spoils or the honour are to be divided among a multitude; which is more hard to satisfy, than the private glory or profits of a prince or a senate.

To this may be joined the virtue and emulation of their particular magistrates and commanders, with which a commonwealth will always abound, where the supreme dignities are annual and successive, and are the never-failing reward of the highest desert and abilities.

These were the principal causes that gave rise to those counsels, which led them to all their succeeding greatness. For whereas the wars under the aristocracy were chiefly defensive, and carried on with more fury than perseverance, *magis impetu quam perseverantia*^u, the conquests of Veii being the only considerable acquisition made in a hundred and forty years; under the

^u Liv. l. 5. c. 6.

popular government, the avarice of the people, the courage of the soldiers, and the emulation of the generals, made the Romans ^v commonly the aggressors. Wars were undertaken upon slighter grounds, pursued with more obstinacy, and concluded with greater advantage. This remarkably appears in the first Punic ^w war, which was voted and resolved on by the people, in conjunction with their consuls, against the express authority and approbation of the senate; and was the first foreign expedition they ever undertook.

To which may be added, the advantageous situation of Rome for the conquest of Italy ^x, and of Italy for the conquest of the world; and that the governments of Italy were less warlike in proportion to their distance from Rome, and less obstinate lovers and defenders of their liberty. Nor was the justice and magnanimity of the Romans to their conquered nations, a small inducement to foreign nations to submit to their government; which was rather the patronage than empire of the world.

^v Liv. l. 9. c. 1, 20, 41. l. 10. c. 5.

^w Polyb. p. 13, 14, 89.

^x Liv. l. 5. c. 54. l. 7. c. 32.

Besides these general and more remote considerations, I shall assign some particular causes, which concurred more immediately to the growth and preservation of the Roman conquests.

The perfection of their military discipline, which I shall handle so far forth as it bears any relation to the constitution of the civil government.

The vast increase of their people, after the equality of the government; their excellent way of maintaining their conquests by colonies at first, by equal leagues afterwards, and at last by unequal leagues and provincial governments.

The vast increase of their numbers will best appear, by presenting the reader, at one view, with all the musters or surveys of their citizens which are extant, and in the order they were taken down, as low as the time of Sylla.

Anno Urbis Conditae.	Fighting Men.	Authors.
1	3,300	Dionys. l. 2. p. 59
37	47,000	— l. 2. p. 67
Under Serv. Tull.	84,700	— l. 4. p. 167
245	130,000	— l. 5. p. 216
256	150,700	— p. 250
260	110,000	— p. 307
279	103,000	— p. 437

Anno Urbis Conditae.	Fighting Men.	Authors.
288	124,215	Liv. l. 3. c. 3
294	132,409	— c. 24
361	152,580	} Euseb. Chron.
410	160,000	
435	250,000	Liv. l. 9. c. 19
460	262,000	— l. 10. c. 47
464	273,000	Liv. Epit. l. 11
474	278,222	— l. 13
478	271,224	— l. 14
489	292,224	— l. 16
502	297,797	— l. 18
506	251,222	— l. 19
512	260,000	Euseb. Chron.
533	270,213	Liv. Epit. l. 20
546	137,108	Liv. l. 27. c. 36
549	214,000	— l. 29. c. 37
560	243,704	— l. 35. c. 9
565	258,308	— l. 38. c. 36
574	273,244	Liv. Epit. l. 41
580	269,015	Liv. l. 42. c. 10
584	312,810	Liv. Epit. l. 45.
589	337,452	Plut. in Æmil.
594	328,314	Liv. Epit. l. 47
599	324,000	— l. 48
606	322,000	Euseb. Chron.
611	328,342	Liv. Epit. l. 54
617	323,000	— l. 56
622	313,822	— l. 59
628	390,736	— l. 60
638	394,336	— l. 63
667	463,000	Euseb. Chron.

From this scheme it is evident, that the people multiplied very fast under the kingly government; that their stock was very much diminished under the beginnings of the aristocracy, and increased prodigiously after the commonwealth became equal: for from the general survey in the year 410, not long after the last change of their government, to the year 435, we find an increase of 90,000 inhabitants. How the growth of their numbers conduced to the enlargement of their empire, will appear by the next article of colonies.

Colonies were of excellent use to the commonwealth: (1.) To enlarge their empire, *Coloniis occupari latius imperii fines*^y. (2.) To defend their borders against a revolt of their allies: *Subsidia adversus rebelles*^z. (3.) To multiply their people, *Augendae stirpis causa*^a. (4.) To transplant their poor citizens, *Coloniis sentina urbis exhausta*^b. (5.) To prevent seditions, *Plebem quietam deducta in coloniis multitudo praestabat*^c. (6.) To reward their Veterans^d. To which may be added, the preserving the popular balance by such large

^y Liv. l. 1. c. 56.

^a Liv. l. 27. c. 9, 10.

^c Liv. l. 10. c. 6.

^z Tac. Ann. l. 12. c. 32.

^b Cic. ad Att. Ep. 18. l. 1.

^d Ibid. l. 31. c. 4, 49.

divisions of land to the commons, and the infusing the Roman manners and discipline into the conquered provinces: *Imbuendis sociis ad officia legum*, says Tacitus^e.

The first institution of colonies was owing to the wisdom of Romulus, who planted seven: but his example was ill pursued by his successors, there being only one more planted between his reign and that of Tarquin the proud, who planted two more.

The aristocracy, as they made little progress in their conquests, so by consequence sent forth very few colonies, not above ten or twelve in the compass of a hundred and forty years.

Under the popular government, when liberty and equality had removed all the obstacles which controlled the conquering genius of that mighty people, they extended their colonies and their victories over all Italy; having, from the year 336, to the second Punic war, planted forty; and from thence to the sedition of Gracchus twenty more, with much greater numbers of citizens, larger proportions of acres, and at much greater distances from Rome than formerly.

The institution of planting colonies was

^e Ann. l. 12. c. 32.

of greater benefit to the public, than transplanting the inhabitants of the conquered cities to Rome: a method that served only to increase the numbers of their citizens, which the other did more effectually, by providing a larger subsistence for them; not to repeat the other advantages of colonies, which were all wanting in this institution.

The prodigious increase of their inhabitants enabled the Romans to plant such a barrier of colonies on the frontiers, as more effectually maintained all their conquests, than treble the number of garrisons could have done; which being composed of regular forces, kept up in constant discipline and pay, would have consumed their people, created a vast charge, and certainly have destroyed their liberties: whereas their colonies still retained their reverence for their mother city^f, and were the only support of the Roman state, when they were sunk by so many losses in the second Punic war.

Rome, as Harrington judiciously observes, in her rise proceeded by colonies: for the acquisitions of an infant government must be retained in subjection by an actual force, till the terror and reputation of their

^f Liv. l. 27. c. 9, 10.

arms can procure a submission and obedience to their bare authority.

Rome, in her growth, proceeded by leagues, either equal, as the alliance with the Latines and other nations, on whom the rights of the city were bestowed; which was an excellent policy to propagate their empire, and rarely practised by the preceding governments: or unequal, as the *Fus Italicum*, which was a donation of the city without suffrage, or by provincial governments. But for this last article, I shall refer the reader to Sigonius, who has handled it with great judgment and accuracy, and shall content myself with making two observations.

1. That the subjects of the Romans ^g lived under the mildest administration, and the gentlest yoke in the world; which engaged them in a willing obedience and voluntary submission to a nation of greater virtues than their own, without those frequent tumults and rebellions with which oppression and tyranny are always attended.

2. That the Roman policy secured their conquests ^h with so much ease, and so effectually, that there is hardly any example to

^g Liv. l. 5. c. 27.

^h Am. Marcel. p. 339. Zosim. p. 192.

be found in all their histories that they ever surrendered one spot of ground, of which they had once got the dominion.

But it is time to return from this long digression, and resume the subject of my discourse.

The reasons of the corruption and ruin of the Roman commonwealth, may be reduced to these general heads.

The negligent execution of the laws and orders on which the popular government was founded.

Some original defects in the first constitution of the government.

And lastly, to some succeeding laws and institutions in favour of an aristocratical government, or of an absolute monarchy.

The ill execution of the laws and orders, on which the popular government was founded, proceeded from these two causes.

1. That the government was not often enough reduced to its first principles.

2. From the alteration of their way of living. Ciceroⁱ, and from him Machiavel, and other modern writers of politics, lay down for a certain maxim, that commonwealths cannot subsist, unless they are frequently renewed by their magistrates, either

ⁱ Frag. l. 5. de Republ.

by reviving the reverence and terror of the laws, or by restoring the antient virtue and discipline, or by a thorough reformation of those corruptions and disorders, which length of time, a loose administration, and the depravity of human nature, will introduce into the soundest and firmest constitutions of government.

This Machiavel styles resuming the commonwealth, and reducing it to its first principles, of which there are many memorable instances in the rise of the popular government.

These renovations of the Roman commonwealth were effected either by their ordinary magistrates; as the tribunes, to whom the guard of liberty, or the censors, to whom the inspection of their discipline, manners, and suffrages was committed; or else by extraordinary ones, as the dictators, who were commonly created upon some great and sudden emergency, either to resist a foreign war, or to correct some domestic disorder. Under the vigilance and conduct of these magistrates, for some ages after the institution of the popular government, the administration was steady and regular; those laws which were the great fences of liberty,

were strictly obeyed, or severely executed, as the Licinian^k and the Usurary^l laws, *etc.* and others whose authority was decaying were revived and re-enacted, as the law of appeals^m to the people, which was thrice renewed: another, that a vote of the commons, without the concurrence of the senate, should have the force and authority of a law, was as often revivedⁿ.

It would be endless to enumerate examples of this kind, during the purity of the commonwealth; by which the constitution was so often strengthened and reinforced. To this rigour and severity succeeded a loose and negligent administration; the vigour and influence of their laws was abolished by disuse; and the best constitution in the world, not being renewed or revived, departed from the principles on which it was first founded, and was intirely subverted.

This fatal management seems to owe its rise to the following occasions.

1. The mistaken liberty which the people assumed of dispensing with the most fundamental laws of their constitution, as

^k Liv. l. 7. c. 16. l. 10. c. 13.

^l L. 7. c. 28. l. 10. c. 23.

^m L. 10. c. 9.

ⁿ Liv. l. 3. c. 55. l. 8. c. 12. Plin. l. 16. p. 239.

the *leges annales*^q, and the laws against continuation^p of magistracy, with many others which ought to have been sacred and unalterable.

The supreme power of a nation, it is confessed, can be bounded or limited by no precedent laws; but in such cases it would have well become the wisdom of the people to have laid a voluntary restraint on their own authority, and have had recourse to the dictatorial power, or any other expedient, rather than to expose and weaken the great bulwarks of their constitution, by assuming such a dispensing power; which, although at first it was exercised upon good grounds (as all evil precedents have good beginnings) yet, in process of time, had a dangerous influence on the commonwealth. For this popular levity of dispensing with their most solemn orders^q and institutions, framed by the united wisdom and experience of so many ages, diminished by degrees the reverence^r and reputation of the laws; and led them naturally to conclude, that those laws which at some junctures were

^o App. p. 114. Liv. l. 10. c. 13.

^p Plut. in Caes. p. 1308. in Cat. p. 1420. Suet. in Jul. c. 18. Dion. Cass. p. 15. Ascon. Pedian. in Cornel. Cic. de Rep. l. 3. ^q Liv. l. 7. c. 17. l. 9. c. 33. ^r Ibid. l. 10. c. 13.

judged inconvenient, were at all times unnecessary: and although there was an outward appearance of liberty in the maxim, on which this proceeding was founded, to wit, that the last resolution of the people was the undoubted law of the commonwealth; yet nothing can be more certain, than that no constitution can subsist, where the whole frame of the laws may be shaken or suspended, by the sudden temporary counsels of a multitude, and where the laws are governed by the people, instead of the people's being governed by the laws. In after times ^f the exercise of this power was assumed, and in a manner engrossed by the senate, till the people, after they had miscarried in an attempt to restore it to their own assemblies, were content to divide it with the senate, under certain restraints and limitations.

But the commonwealth gained little advantage by this alteration; the power being equally pernicious, in whatever hands it was placed. In former times, it is confessed, it was rather dangerous in example than fact: but in the corrupt ages of the government, it gave a rise to that fatal neglect in

f Dion. Cass. p. 19. Aesc. Ped. in Cornel. Val. Max. l. 4. c. 14, 15. App. p. 716.

the observance of all the laws, so essential to their constitution; and made way for the seven consulships of Marius, the early and multiplied honours of Pompey, and the long continuation of Caesar's command in Gaul; which are on all hands allowed to have been the direct and immediate causes of the ruin of the commonwealth.

2. Another reason was the omission or alteration of the custom of accusing. The laws can never be maintained in force in a nation, where it is held dishonourable to accuse: for which reason, all wise commonwealths have cherished and encouraged, by rewards and marks of honour and distinction, accusations of all public offenders^s. At Rome, in particular, accusers were held in great esteem; such men being reputed the defenders of the laws, and the guardians of the constitution. Their greatest men commonly entered the world with the prosecution of some eminent delinquent^t. Nor did the highest persons in the state, as Scipio^u, Cato, and others, think it a disparagement, after all their honours, to undertake this province.

^s Cic. in Ver. c. 22. — pro Rosc. c. 20.

^t Plut. in Lucul. p. 393. Cic. pro Caelio, c. 30.

^u Cic. in Ver. c. 22. Apuleii Apol. 299.

The laws had their due weight and authority, whilst they were defended by such excellent patrons; but, in after times, and in a more degenerate age, they were abandoned by their champions. Accusations^v were generally declined by the men of rank and dignity, and seldom or never undertaken unless by mean and mercenary informers, or raw and unskilful youths: so that the laws in a manner were left unguarded and defenceless; and what an effect this must have upon the constitution, I leave every man to judge, and the event sufficiently declared. It is true, Cicero^w, and others, began to revive the old custom of accusing; but it was then too late, the corruption of the commonwealth being too big for the laws, and obstinate to all remedies. Nor was the authority of many of their laws armed with such sanctions and penalties as were necessary to imprint that awe and terror on the minds of the people, which alone can dispose them to obedience. The famous law of appeals^x was guarded by no other sanction than a bare declaration, that the breach of it should be esteemed a wicked action: nor were their other laws, ex-

^v Cic. in Ver. c. 22.

^w Ibid.

^x Liv. l. 10. c. 9.

cept some few of their fundamental ones, backed with severer punishments. The ordinary rigour of their laws extended only to ignominy, or pecuniary mulcts; death being seldom inflicted, unless in cases of high treason, parricide, or crimes of an extraordinary nature ^y. Banishment in itself was no penalty, but a refuge to avoid the punishment of the laws: disfranchisement or deprivation of liberty, were penalties, if we may believe Cicero ^z, above the reach of the supreme power of the commonwealth to inflict; even pecuniary mulcts ^a were antiently limited to some determined sums, not to be exceeded.

But succeeding ages, in a manner abolished all the power of the laws, by exempting ^b their citizens from all corporal punishments, and allowing the highest offenders to evade the sentence of the laws, by retiring into a voluntary exile ^c. The moderation of the Roman laws was the worst part of their constitution; and in some junctures, as the attempt of Saturninus, Catiline, *etc.* would have endangered the very being of the com-

^y Cic. pro Coecin. c. 34.
Coccin. c. 34.

^z Ibid. pro
^a Dionys. p. 432.

^b Liv. l. 10. c. 9. Sall. in Catilin. c. 5.

^c Dionys. p. 484.

monwealth, if the senate and magistrates had not exerted an illegal, but necessary power, for the preservation of the whole. But withal, it gives one a strange idea of the excellence of the Roman discipline and manners, which flourished for so many ages, by a mere sense of honour and fear of ignominy, with so little dread or apprehension of severer punishments.

That the commonwealth was not oftner reduced to its first principles, chiefly arose from the reasons I have alleged; to which may be justly added, certain defects and errors in the nature and power of those magistrates, to whose charge the preservation of the laws was committed, as the tribunes and censors.

In the institution of the tribunitian power, there was this original defect, that the number of the tribunes was too great: they were at first five, but their number was afterwards increased to ten^d, which the people weakly imagined to be an accession of strength and honour to the magistracy: but the senate wisely perceived, that the increase of their number would be a diminution of their power, as it proved in the event; for every single tribune, by virtue

of his office, being armed with a power of putting a full stop to all proceedings whatsoever, as well of the people^e as of the senate, they seldom found it a difficult matter, out of so great a number, to engage one corrupt^f tribune to hinder the result of all the popular counsels, and defeat the designs of the other nine, how unanimous soever for the public advantage.

Of this kind it would be endless to produce testimonies; so many examples occurring in the Roman histories of mercenary tribunes forbidding the passing of new popular laws, or the revival and execution of old ones. But this defect was succeeded by a worse, I mean the Atinian law^g, which permitted senators to be chosen tribunes. This law destroyed all the good effects of the tribunitian power, and perverted the ends of its institution: for the tribunes were at first created to be a check on the senate, and for that reason composed of men of a different order and interest; senators being expressly excluded from that office, and the two employments judged inconsistent; the antient policy thinking it absurd to imagine, that a senator in such a sta-

^e Liv. l. 2. c. 44. l. 4. c. 48. l. 6. c. 35.

^f Dionys. p. 484. ^g A. Gell. l. 14. c. 8.

tion would ever act for the advantage of the commons, against the interest of his own order. These were apparent defects in the powers and qualifications of the tribunes; the first rendering them in a manner useless and ineffectual, and the second dangerous and pernicious: and the ill effects of both on the whole constitution of the Roman government, are obvious at first view to every man who considers the excellent use of the tribunitian power, whilst it continued on its antient establishment.

The office of the censors was one of the noblest institutions of the commonwealth; their ordinary jurisdiction extended to the regulation of private expences, the enacting of sumptuary laws, the farming the revenues, and the reformation of dangerous abuses and disorders in the popular assemblies; of which last we have many examples ^b. But their chief province was to direct and preserve the public discipline and manners, to preside at the tribunal of fame, to reward the brave and virtuous with marks of honour and distinction, and to brand the degenerate and corrupt with dishonour and ignominy.

^b Liv. l. 9. c. 46. Epit. l. 20. Cic. de Orat. l. 1. c. 9. ; Liv. l. 45. c. 15.

This institution was of admirable use in maintaining the morals and the virtue of the people; and at the same time highly contributed to support the vigour of the laws, and to preserve or restore the constitution to its first principles: for it is a certain maxim, that as good ^j laws make good men, so good men defend good laws, and are both a mutual defence to each other. But there was this essential defect in the frame of this office, that there were two censors instead of one; for all great commands are better managed ^k by a single person than by many, especially such as require the utmost rigour and severity in their execution. For power, divided between many, naturally produces discord, of which we have many remarkable examples in the censorships of Scipio and Mummius, Livius and Claudius, Crassus and Domitius, and many others, who all, by their discord and dissension, destroyed the good effects of their magistracy, which depended solely on their concord and unanimity; both enjoying an equal authority, and either of them having power to vacate the decrees of his colleague^l. But in

^j Cic. Frag. de Rep. l 5.

^k Liv. l. 3. c. 70.

^l Cic. pro Cluentio, c. 43.

succeeding ages this magistracy ^m was intermitted for many years. It is true, it was some time after revived, but with such limitations in its powers ⁿ and authority, as disabled the censors from resisting that torrent of corruption which first overthrew the discipline, and afterwards the liberties, of Rome.

Another reason which seems to have very much contributed to the steady support of the constitution upon its original principles, was, that after the rise of the popular government, there arose, every age, men of such superior virtue and merit, as by their example gave an influence and authority to the laws; who made a resolute stand against all innovations upon the great fences of their liberties, and either maintained or revived their antient constitution. But in after-times the commonwealth was destitute of such supports. Not but that Rome, in its lowest decays, produced very extraordinary men; but they were such men, whose great qualities served only to arm their ambition against the freedom of their country.

It is an observation of Machiavel ^o, that great dangers and violent extremities often

^m Cic. in Ver.
Sextio, c. 25.

ⁿ Ibid. in Piso, c. 4. pro
^o Discors. l. 3. c. 4.

rectify and recover a constitution of government tending towards corruption ; of which he gives an excellent example in the sack- ing of Rome by the Gauls ; to which may be added the straits of Caudium, the battle of Cannae, and many other losses in the be- ginning and progress of the commonwealth : all which rouzed and revived their antient virtue and discipline, and proved a remedy instead of a ruin. But in after-ages, the continual success of their arms, and the pro- found security they enjoyed by the conquest of Carthage, and of all their foreign ene- mies, let loose the reins of their admini- stration, introduced a depravity and cor- ruption of manners ; and, in conclusion, destroyed the commonwealth.

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REMARKS

Upon some passages in

Dr. PRIDEAUX's Connection

OF THE

OLD AND NEW TESTAMENT:

In several LETTERS between

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R E M A R K S

U P O N

Dr. PRIDEAUX's Connection.

Part I. Book I. Page 9. 8^{vo}.

L E T T E R I.

S I R,

YOU say that " all the traffic which
 " the western parts of the world,
 " from that time (when the Pto-
 " lomies prevailed in Egypt) had with Per-
 " sia, India, Arabia, and the Eastern coasts
 " of Africa, was wholly carried on through
 " the Red-Sea, and the mouth of the Nile."
 But your own author Strabo only says,
ὡς ἐπὶ τὸ πολὺ, that the greatest part of the
 trade of India was driven by the way of
 Alexandria. But Appian^p expressly con-
 tradicts you; for he makes Palmyra a cele-

^p De Bell. Civil. 5. p. 676. Ed. Steph.

brated mart for the Indian and Arabian commodities, which the merchants of that city brought from Persia, and afterwards sold to the Romans. Palmyra, by the advantage of its situation near the Euphrates, lay very conveniently for ingrossing the greatest part of the trade of India, which was carried on over-land by the way of Persia; and we are assured, by A. Marcellinus^q, that Batue, a town of Anthemisia in the north of Mesopotamia, near the Euphrates, was a noted mart for the same traffic, there being held every year a fair, to which there was a vast resort to buy up commodities brought from the Indians and the Seres. As for the trade with the Seres, we know, from the same author^r, it was carried on by the merchants over-land, who travelled from Persia to that country, thro' the territories of the Sacae; and whatever Indian commodities came by sea to either of these places, it is plain they must be brought by the way of the Persian gulph, and so up the Euphrates; and not from the Red-Sea, which lay too far off. It is true, a great trade with India was driven by the way of the Red Sea and Alexandria, as appears not only from Stra-

^q Lib. 14. c. 3.

^r Lib. 23. c. 6. p. 292. Ed. Gronov.

bo, but from Pliny^f, who has set down the rout the merchants took over-land from Alexandria to Berenice, and from thence by the sea to the coast of Malabar. He adds, that the prime cost of Indian goods, imported every year into the Roman empire, amounted to above 400,000 pounds: and the same author affirms^s, that the empire lost every year by their trade with India, Arabia, and the Jews, above 800,000 pounds. From which passage, compared with the former, it appears that the Romans drove as great a trade with the Seres and Arabia, as with India, *Tanto nobis deliciae et faeminae constant*. Tacitus makes the same complaint^t. Now, if 800,000 pounds *per ann.* were too great a drain for the Roman empire to bear——

I am, etc.

f Lib. 6. c. 23. p. 703. Ed. Harduin.

s L. 12. 18.

t Ann. 3. 53.

Part I. Book. IV. Page 211.

Of ZOROASTRES.

LETTER II.

S I R,

THE account of Zoroastres is so entertaining, and so extremely well told, that I have all the inclination in the world to believe it true: but there are some circumstances in it so inconsistent with the relations of all the Greek and Latin writers, that they give one very just ground to question the credit of the whole story. It is certain that the general current of the old writers places Zoroastres much earlier than the reign of Darius Hystaspes, as you may find in all the modern collectors, who have treated of that subject. I will not enter into the controversy, whether there was only one of that name, as you suppose, or more; nor will I pretend to determine the age of Zoroastres, the founder of the Persian religion, because I think it impossible, among such variety of opinions and contradictions, to make any probable guess of the truth. It is sufficient for my purpose, if I can prove him more antient than the period you have plac-

ed him at. For this I need not produce you a long list of the antient historians; for they are all collected to my hand by Marsham, Stanley, A. Fabricius, Huetius, *etc.* One author indeed you would rob me of, Justin, by correcting him from Diodorus Siculus: but the reverse of this is true, and Diodorus ought to be corrected by Justin, as appears from a passage of Arnobius ^u, as it is read, and distinguished by either Stanley, Marsham, or Heraldus: That Ctesias calls this Bactrian king, not Oxyartes, but Zoroastres; and consequently the genuine reading in Diodorus, who professes to follow him in his whole relation of that war, was Zoroastres.

The only antient writer that seems to favour your opinion, is Agathias, who lived 1100 years after, who makes Zoroastres cotemporary with Darius Hystaspes, as the Persians, in his age, gave out, in general, but at the same time, that it was impossible to know whether he was the father of Darius or not; and if the fact was then doubtful, I would fain know how after ages came by a better information: and it is remarkable, that none of the eastern authors you have

^u Lib. 1. p. 31. compared with p. 5. Edit. Lugdun.

cited are above 600 years standing; nor does the Mirconde, called Texeira, the most celebrated of all the eastern historians, make mention of it in his annals^v. A. Marcellinus does indeed say, he was the father of Darius; but it is plain to every one who attentively considers the whole period, that he places Hytaspes long after the age of Zoroastres, and Lactantius^w sets him higher than the Trojan war. So that no manner of stress can be laid on this argument.

Apuleius^x is another author you produce to prove Zoroastres cotemporary with Pythagoras. But you have intirely destroyed the credit of his relation, by one chronological argument: to which I may add, that Apuleius, in the very next period, contradicts this account himself; for he says, it was the prevailing opinion that Pythagoras came voluntarily into Egypt, and there instructed himself in all the learning of the Egyptian priests, without mentioning a word of his conversing with Zoroastres, whom, it is plain from his apology^y, he thought many ages elder than Pythagoras, because he makes him more antient than Moses: which passage, by the way, he co-

^v Lib. 23. c. 6.

^w Instit. 7. 15.

^x Florid. p. 501. Ed. Lugdu.

^y Ibid. p. 319.

pied from Pliny ^z, as Harduin very rightly observes. And indeed, on a supposition that he was cotemporary with Ninus, and that the Assyrian monarchy lasted 1400 years, according to Diodorus ^a, or 1300 according to Trogus ^b, his age must be carried some centuries higher than Moses. Nor can this account, as you suppose, agree with Nebuchadnezzar's conquest of Egypt; for from that time to the death of your Zoroastres, as appears by your own reckoning, there had passed 85 years: and allowing Zoroastres to have been 90 years old at the time of his death, which, by the way, was not a natural but a violent one, he could have been but five years old; and allowing Jamblichus's account of Pythagoras's twelve years residence at Babylon, he could have been but seventeen when Pythagoras left that place; and at that age he was certainly too young to set up for a doctor. But supposing Pythagoras, for once, to have been at Babylon in Nebuchadnezzar's time, or even later if you please, twenty years before Cambyfes's conquest of Egypt; which is the lowest period, as you own, that can be allowed for his travels, and which was

^z Lib. 30. c. 1.
Hanov.

^a Lib. 2. p. 115. Edit.
^b Lib. 1. c. 2.

before Babylon was taken by Cyrus; I deny that he could have seen any of the Persians and Magians at Babylon; for that sect spread only with the arms and empire of the Persians, and into India ^c. And it is a jest to suppose that any of the Persian priests would settle, or be allowed to settle, at Babylon, the head quarters of Sabianism; for which, as you say ^d, “they had the utmost detestation, and hated the Babylonians above all others of that sect.” And if Pythagoras could have been instructed in the learning of the Magi there, he need not have been at the pains to travel into Persia upon that errand, as Clemens Alexandrinus ^e, and Pliny ^f, assure us he did.

The Zabratius of Porphyry ^g, the Zaratus of Clemens ^h, of Plutarch ⁱ, and Jamblichus, and the Zaran of Cyril ^j, I agree to be all one, but deny that either of them is Zoroastres. To begin with Porphyry, if by Zabratius he meant Zoroastres, why had he not called him Zoroastres, as he has done in his book, *De Antro Nympharum* ^k? And

^c Connect. part I. book III. p. 179.

^d Book IV. p. 241.

^e Strom. I. p. 357.

Edit. Potter.

^f L. 30. c. 1.

^g In Pythagora, p. 185. Ed. Cantab. ^h Ibid.

ⁱ De Gen. animae in Timaeo, p. 1862. Ed. Steph.

^j Contra Julian. p. 133. Ed. Spanhem.

^k P. 254.

that very passage has a character of time in it which will fix the age of Zoroastres many ages before Darius Hyftaspes: for he fays, Zoroastres confecrated a Grotto to the worfhip of his god Mithra, and gave the firft rife of that cuftom to other nations. Now there are examples enough of grots and caves confecrated to nymphs, and other gods, to be met with in hiftory as high as the Trojan war, as appears from the verfes of Homer, which are the fubject of that difcourfe. To fay nothing of Jupiter's grotto, frequented by Minos^l, with many others mentioned by Strabo, Pausanias, *etc.* long before the reign of that prince. In the next place, Porphyry plainly makes Zabratuſ a Chaldaean, as Holftenius has rightly remarked; that is, a philoſopher of that ſect, as the following words plainly ſhow: and confequently he could not mean Zoroaſtres, who was a Magian. Some writers have indeed confounded theſe two ſects, as Celfus; but he is very juſtly laughed at for his pains by Origen^m. Clemens and Cyril make him an Aſſyrian, that is, by birth, though a Chaldaean by profeſſion. Plinyⁿ mentions

^l Strab. l. 10. p. 482. Ed. Caſaub. Dion. Hal.
^l 2. p. 91. Ed. Steph. ^m Contra Celfum,
^l 1. p. 45. Ed. Cantab. ⁿ L. 30. c. 1.

Zaratus, one of the successors of Zoroastres: but he must be different from the Zaratus of Clement, *etc.* because he makes him a Mede, and a Magian. But this passage, however, plainly proves that Zaratus and Zoroastres are names of different persons, and not different names for the same person. I am sensible I have dwelt too long on an argument which you yourself lay little stress on, and seem to give up: but before I part with this subject, give me leave to observe one great inconsistency which you have been guilty of in this relation. You say^o, “that Pythagoras took the hint “of retiring to a Grotto, *etc.* from his “master Zoroastres:” but since, by your reckoning, Zoroastres had not set up for a prophet, nor retired to his cave till the reign of Darius Hyftaspes, and Pythagoras was returned from his travels above twenty years before Cambyfes’s conquest of Egypt, how was it possible for Pythagoras to follow his example in an affair which happened so many years after his own retirement into the cave; and which, had it been earlier, it was impossible, at that distance, he should ever have heard of? His notion of the im-

mortality of the soul, he might as well learn from his master Pherecydes, who first advanced that doctrine, according to Cicero and others ^p. But as for his Metempsychosis, I own he might borrow it from the Brachmans, or even Magians, who all believed that doctrine, if your own author, Porphyry ^q, is to be credited.

The current of all antiquity being against you, as to the age of Zoroastres, the credit of this whole relation must rest on the authority of the eastern writers. There is no need to repeat what I have said on this head, in the article of Agathias; for sure no man of judgment will set the credit of such late and lying writers in competition with authors of such established reputation as the Greek and Latin historians. For a specimen of the sincerity and accuracy of the eastern writers, I appeal to the famed historian of Persia, Mirconde, whose account of the reign of Darius contains as many lyes as lines. There is not one truth told in all the relation; but the whole, from the beginning to the end, is a senseless rhapsody of ill-invented fables and ridiculous absurdities. In a word, he is the most

^p Vid. Menag. ad Laertium, I. § 116.

^q De abstinentia, l. 4. p. 165.

scandalous writer I ever dipt into; for I never had the patience to go thro' with him. His character has given me a taste of the rest, and how little their authority is to be depended on for the truth of any antient fact. Huetius says^r, the modern Persians make Zoroastres cotemporary with Abraham.

In the next place, I shall examine some other circumstances of this relation, which were either unknown, or contradicted by the old Greek and Roman writers: and I shall begin with the great alteration made by Zoroastres in the national religion of Persia under Darius Hyftaspes. Of this the antients were all silent to a man, which is a good proof of its falshood. Is it possible to imagine, that so memorable an event could have been past over in silence by so many diligent historians, had they known it? or is it likely that a fact, which must make so much noise in the world, could escape their inquiry? Will any one believe that Herodotus, who passed over so many Persian provinces to collect materials for his history, could have missed it in all his travels? Or that Ctesias, who resided so many years in the Persian court, could be ignorant of a

fact which every porter in Persia must know? It is strange that Xenophon, who conversed with the younger Cyrus, and marched with an army into the heart of the Persian empire, could give his countrymen no better information at his return. But what is strangest of all, how came it about that Ostanes, who attended Xerxes in his expedition against Greece but twelve years after, and set the Greeks a madding after magic, should acquaint none of his followers with the original of his sect, or the age of its founder? These are all strong presumptions against this story: to which I shall add the authority of Xenophon^f, who affirms, that the regulations made by Cyrus, in the religious worship, continued without any alteration down to his time: and in the close of that work, though he has given a large account of the corruption of their morals, and military discipline, of the neglect of their education, with their total degeneracy from the virtue of their ancestors; yet he does not add one word of any change in their national worship, or the principles of their theology, which his subject gave him a fair occasion of doing, had there been any such thing.

^f *Cyropaedia*, l. 8. p. 121. Ed. Stephani.

The principal changes made by Zoroastres, in the institution of his new religion, were the building of temples, which the Persians wanted before, and the introducing a god superior to the two principles believed before. As to the first, I shall not argue against it, as I did in the former article, from the silence of the old writers, but from express authorities against you; and begin with Herodotus^s, a Persian governor and soldier, who directly affirms, that the Persians of his age, for he speaks in the present tense, had no temples. Dinon^t, who flourished after the time of Alexander, says, the Persians sacrificed in the open air, which shews they had no temples: and Cicero says^u, that Xerxes, by the instigation of the Magians, set fire to the temples in Greece, upon this principle, that the universe was the temple of the gods, who ought to be at large and unconfined, and not cooped up in walls. Cicero has given the true reason for the aversion the Persians bore to temples, which did not proceed, as you suppose^v, from an abhorrence of worshipping the gods by images; for they were as arrant Polytheists and idolaters as

^s L. 1. p. 35. ^t Apud Clem. Alex. in Protrep.
^u De Leg. 1. 2. c. 10. ^v P. 240.

any of their neighbours^w. It is true, they abstained from the use of images, from that persuasion. And Herodotus's reason, rightly understood, is the same with Cicero's. These authorities do fully prove what I contend for, that the Persians had no temples long after the reign of Darius: and the earliest account we have of any temples among them, is under Tiberius, many ages after. And the conjecture of Le Clerc and Stanley is very probable, that it was an innovation in their worship, by their commerce with their masters the Macedonians.

The most valuable part of Zoroastres's system, *viz.* his setting up a third principle, superior to the two old ones, is contradicted by all the old writers. Stanley's citation from the writings of Zoroastres, which you and every body else allow to be spurious, can be of no weight; and Plutarch's account of his believing two independent gods, with a middle one between them, does not agree with your hypothesis. Aristotle, Hermippus, Eudoxus, Theopompus^x, make him hold two principles only, the good and the bad one: and Agathias, long after, affirms the same of the Persians

^w Clem. Alex. p. 56, 57.

^x Apud Laertium in Proaem.

in his age, and adds, as you likewise assert, that the Manichees borrowed the great article of their heresy from this doctrine. And from these all put together, it seems very plain that this refinement of the Persian theology was of a much later date than you suppose.

I am, etc.

Part I. Book V. p. 305, 306.

LETTER III.

S I R,

WHATEVER becomes of Isaac Vossius's correction of Josephus, lib. 11. c. 7. I cannot help thinking that the passage is corrupted; for *σπαρηνός τῷ λαῷ Ἀρταξέρξῃ* is not Greek, but a mere Hebraism. It is true, we often meet with *λαός* for *σπαρὸς* in the Septuagint, which is a literal translation; but it is not likely, that so elegant a writer as Josephus would use such a barbarous phrase. I believe it should be read *ἡ σπαρηνός τῷ ὄχλῳ Ἀρταξέρξῃ*. I took the hint of this correction from Scaliger's *συναγωγὴ ἰστορίων*, p. 379. which, as he owns, p. 431. was a collection of his own making, partly out

of printed books, and partly out of manuscripts. He there reads it ὁ σπαρτωρ τῷ Ἀχ, etc. I make no doubt but he found Ἀχ in some manuscript of Josephus; for otherwise he never would have set down a word which has no meaning in it: the change of one letter makes it ὦχ, which I believe is the true reading. Bagoes is Bagoas, who was the prime favourite, and chief general to Ochus, under whose reign all this affair was transacted. Bishop Usher ^z has an argument which has started an objection against my hypothesis; but his argument is all founded on a mistaken supposition, that Johanan, the son of Eliashib, mentioned by Ezra ^a, in the seventh year of Artaxerxes Longimanus, was the same Johanan who was afterwards high-priest. But it is plain from Josephus ^b, the Alexandrian chronicle, and Nehemiah ^c, that Johanan, or Jonathan the high-priest, was not the son of Eliashib, but of Joiada, as you have rightly observed, which intirely destroys the bishop's conjecture. You have been a little too severe in your censure of Josephus, as if he had been ignorant of the succession of the Persian kings: for it ought to be considered, that his principal business

^z Ad Ann. P. Jul. 4312.

^b Lib. 11. c. 7.

^a C. 10. v. 6.

^c C. 12. v. 11.

was to write the history of his own nation, nor was he obliged, by the rules of history, to mention the affairs of Persia any farther than they were intermixed with the affairs of the Jews: and if he has given an account of the first six kings of Persia, it was because they had all distinguished themselves by acts of favour or severity to the Jews, and on that account had a right to be mentioned: and if he has passed over any of their successors in silence, it was because nothing of note that related to Judaea was transacted in their times till the reign of Ochus, whom I think he has mentioned, as well as Darius Codomannus; because in his reign the Jews changed their masters, and became subject to the Macedonians; which was an event that nearly concerned his own nation, and ought not to be omitted. This is a very probable account why Josephus has omitted, in his history, some of the Persian kings; but it is not possible to conceive that an author so conversant in the Greek writers could be ignorant of the series of the Persian kings. Ephorus, whom he has so often cited, and who concludes his history about the end of Ochus, might have amply instructed him in the Persian history.

Another proof, in favour of this opinion, may be drawn from the argument of this chapter, which calls this Artaxerxes, Artaxerxes the younger, that is, Ochus. This plainly shews that my correction was the original reading of the manuscripts; for, except this single passage, there is nothing else in the whole chapter which can give the reader any light what Artaxerxes is meant. As for the arguments of the chapters, if they were not composed by Josephus himself, yet it is certain that they are of an ancient date, because they are found in most of the manuscripts; as appears from the various readings in Dr. Bernard's unfinished edition of Josephus.

I am, Sir, *etc.*

Part I. Book VII. Page 486.

LETTER IV.

SIR,

I SHALL next consider that celebrated story in Josephus, of Alexander's coming to Jerusalem, *etc.* as it is set down in all its circumstances by Josephus^c. I am not ignorant that some later writers vary in

^c Antiq. Jud. l. 11. c. 8.

some particulars, and that Eusebius has very dextrously given it a more plausible air: but since Josephus is the original author from whom they all borrowed their accounts, I shall examine it upon the foot he has delivered it down to us.

A. Fabricius, in his Greek Bibliothecæ^d, seems to suspect the credit of this relation, and to give it up to the arguments of Vandale, (in his reflections on the history of the seventy) to prove it inconsistent with the accounts of all the old historians. I never read this book of Vandale, nor ever heard of one of his arguments; but I shall give you my reasons why I am of his opinion.

In the first place, I shall urge the silence of all the old historians who are now extant: and as for those who are lost, it is plain they never made any mention of it, because Josephus has not produced their testimonies, which he never fails to do upon all other occasions.

Josephus says that Alexander marched to Jerusalem after the taking of Gaza; but you have very plainly proved, that he marched from Gaza directly into Egypt: and what is much stranger, Arrian^e expresses

^d Vol. II. p. 206. ^e Lib. ii. p. 150. Connected. Part. I. Book VII. p. 486.

ly affirms, that all Palestine, except Gaza, had submitted to him before he began the siege of that city; and consequently he had no need to march with his army into Judea, in order to reduce it to his obedience. This single argument is enough to shake the credit of this whole relation. Eusebius, who was aware of this absurdity, makes him march from Tyre to Jerusalem: but since his author, Josephus, was ignorant of this circumstance, I wish he had produced his voucher, and told us how he came by a better light so many ages after. The passage of Eusebius, as it now stands in Scaliger's edition, is corrupt and unintelligible, without the help of a correction. I suppose it should be thus read, *Alexander capta Tyro Judaeam invadit, atque favorabiliter exceptus*, etc. But this salvo of Eusebius mends the matter very little; for not only Josephus, but all the old historians, bring Alexander directly from Tyre to Gaza, without making any halt by the way. As for bishop Usher's quotation out of Pliny^f, *Alexandro magno res ibi gerente*, that is, Alexander making war in those parts, (for *ibi*, in that place, needs not be restrained

to Jericho only) I do not doubt but it either relates to the siege of Tyre, or Gaza, which was a city of Palestine. It can never be meant of Jericho; for we know not only from Arrian, but Josephus himself, that the Jews submitted without striking a stroke. And I need not tell you that *res gerere* signifies "to wage war." Pliny has used the like phrase in the same book ^g, and elsewhere ^h; and not once in any other sense ⁱ. I do not know whether it be worth while to observe, that the barbarous author of the *Excerpta Chronologica*, published by Scaliger after Eusebius's chronicle ^j, places this journey of Alexander to Jerusalem, after his return from Egypt: and S. Severus ^k seems to intimate, that it was after all his conquests were finished: which shews how uncertain they were of this matter.

Less to the purpose is his citation out of Curtius ^l; for that passage does not relate to Jerusalem, as I have already sufficiently proved, but to all the rest of the cities to which he had marched in person with his army, from the battle of Issus to the siege of Gaza.

^g C. 14. ^h Lib. 33. c. 10. ⁱ Vid. Bentleium ad Horat. Ode 6. l. 3. Graevium ad Justin.
^l 13. c. 4. ^j P. 72. ^k L. 2. c. 16.
^l L. 4. c. 5.

Josephus says that Alexander was accompanied in his march to Jerusalem by Phœnicians and Chaldaeans. It is plain from the Chaldaeans being joined with the Phœnicians, that by them are meant not judicary astrologers, as the word often signifies, but Chaldaeans properly so called, that is, natives and inhabitants of Chaldaea. It is natural enough to suppose that Alexander might be attended by Phœnicians, who were a conquered nation at that time; but how, in the name of wonder, came the Chaldaeans in his train? At that time he had neither conquered nor seen Chaldaea; nor was he master of an inch of it before the battle of Arbela, when Babylon and all Chaldaea revolted to him; so that circumstance is most certainly false.

He adds, that Alexander, at the approach of the high-priest, worshipped the name of God, inscribed on his breast-plate; and that Parmenio being surprized at it, asked him how he came to worship the high-priest, when all the world worshipped him? What kind of worship was paid to Alexander, we all know from Curtius^m and Arrianⁿ, who there uses the same word^o with Josephus; and

^m L. 8. c. 5.

ⁿ L. 4. p. 264.

^o προσκύνῃς.

so does Plutarch ^p, Cornelius Nepos ^q, Xenophon ^r, and Ælian ^s, speaking of the Persian kings. This compliment was first made to Cyrus ^s king of Persia, those kings being all considered as gods ^t, and treated with divine honours ^u. And from this precedent the flatterers of Alexander copied, when they introduced this practice. It is impossible to understand this speech of Parmenio in any other sense: and then I am sure this part of the story is notoriously false; for it is certain ^v that he did not set up for a god, or expect divine honours till long after the death of Darius, and the complete conquest of Persia, which was some years after this transaction. From the falshood of this article, you may judge of the truth of the whole.

My next charge against Josephus is the request, he says, the high-priest made to Alexander, that he would allow the Jews who dwelt in Babylon and Media, the free exercise of their religion; which implies, that Alexander was then possessed of that part of Asia, which is manifestly false: for

^p In Alexand. p. 1276.

^q In Conone.

^r L. 8. p. 127.

^s Var. Hist. l. 1. c. 21.

^t Xenophon, *ibid.*

^u Vid. Æschyli Persas,

l. 5. v. 623. et Scholiasten.

^v Arrian, Curtius,

ibid.

^w Arrian, Curtius, *ibid.*

Trogus l. 12.

c. 7. Ælian, l. 2. c. 19.

he was master of neither of them till after he had fought the battle of Arbela, which was, I think, the year after this transaction. I know very well, that Usher has given another turn to this passage; but my interpretation of the words is, I think, more plain and natural: and whoever considers the mistake of the author of this story. in mentioning the Chaldaeans where there is no room for the expression, will be apt to think he was capable of committing the like blunder in chronology a second time.

I shall conclude with an argument from the Alexandrian chronicle, which places the death of Jaddus the high-priest some years before Darius Codomannus came to the crown, and consequently this whole story is false from top to bottom. I do not know what force this argument will have with other critics, but I think it ought to weigh a good deal with you, because you have followed his account of the succession^w and chronologies of the high-priests, and without it your hypothesis of the seventy weeks can never be maintained: so that you ought in justice to retain his authority here, or to reject it there.

^w Connect. Part. I. Book VI. p. 411.

There are some other circumstances in this story, which lie very open, and want to be considered. The two dreams are pretty extraordinary, nor is it very likely that an insolent young conqueror, who had the vanity, before the year was over, to get himself pronounced the son of Jupiter Hammon, should throw himself at the feet of the high-priest, (for that is the meaning of the word *προλκυνέω*, as appears from the authors I have cited on that head) and worship the name of a god that was either unknown or despised by the Greeks, and all the heathen nations. Nor does Jaddus seem to have acted a very consistent part in declaring at first, before the taking of Tyre, that he would live and die by his oaths to Darius, and afterward receiving the victor with open arms, and encouraging him in his expedition against Persia, by shewing him the prophecies of Daniel, and never employing his interest, for ought appears to the contrary, to divert the Jews from lifting in an army that was to fight against his old master. These particulars, it is possible, may be all true; but they appear with a very romantic air, and Eusebius has done very wisely in omitting them all in his relation.

I have been often at a loss to determine, whether Josephus was the author of this story, or took it upon trust from tradition, or some Jewish writer, and so was imposed on himself. But after weighing every thing, I am charitably inclined to the latter opinion. In the history of his own times, and even as high as the rise of the Asmonaeon race, where he had good memoirs to build on, he appears to be a writer of extreme good sense and sincerity, as well as of great eloquence and politeness. It must be owned, that in his account of the scripture-times, he has taken a bold liberty to vary from the bible, to add, alter, retrench, and even sometimes contradict it; which is a fault for which no other apology can be made, but that he was of the sect of the Pharisees, and gave too much credit to their trifling traditions. However, in the main, that part of his history is tolerably exact: but when he comes to the interval between the end of Nehemiah's government, where the Old Testament breaks off, and the beginning of the Asmonaeon race, which is the darkest period of the Jewish history, and takes up the end of the eleventh and the greatest part of the twelfth book of his Antiquities; there his

history is indeed a mere fardle of fables. Nor do I even here condemn him for want of honesty and sincerity, but pity his misfortune, that he had no better lights to direct him than fabulous traditions, and the lying legends of the Hellenistical Jews.

I am, Sir, etc.

Dr. PRIDEAUX's first Letter to Mr. MOYLE.

DEAR COUSIN,

I THANK you for your kind letter, and the pains you have taken about my book. I should have been glad of so learned a friend near me, to whom I might have communicated this history before it was printed. But now three editions being published of it, your observations come too late to be of any use for the correcting of any thing that is mistaken. However, I should be glad to have all that you have observed; and if I live to see a fourth edition, I shall be sure to examine all that you shall suggest to be amiss, and, as I shall see cause for it, make corrections accordingly.

As to your first observation concerning the East-India trade, I perceive my good cousin has not observed, that all that I say of it is of the trade by sea, and not of the

trade by land. I thought no reader would have understood it otherwise; but since you have, I shall, in the second part, where I shall have occasion to speak of this matter again, put in such words as shall prevent all misunderstanding of this matter.

As to what you write of Zoroastres, I am of nothing more sure in antient history, than that he was never king of Bactria, or any other than a jugling impostor; and that the time of his flourishing was in the time of Darius Hystaspes: and all the Greeks, that say any thing to the purpose, agree in this time. For his being king of Bactria, and his making war with Ninus, there is no authority but that of Justin's, and those who have wrote from him. All the Greeks speak otherwise of him, and some give him a very fabulous antiquity. But since you desire only to have it proved to you, that he was not antienter than the time of Darius Hystaspes, I will send you no farther than to the place in the proem to Diogenes Laertius, which I have quoted: there the successors of Zoroastres being named, Ostanes is reckoned the first of them, and he came into Greece with Xerxes. Suidas calls him Περσομήδης, but there were no Persomedians before Cyrus united Media and

Persia together. Suidas, I confess, is no old author, but his collection is made out of those that were so, and many of those he used are now lost. That he is made cotemporary with Pythagoras, is another reason for the same thing. That passage which you refer to in Arnobius, if it proves any thing, it proves him to be cotemporary with Cyrus. And Apuleius's placing him in the time of Cambyfes, sufficiently shows there was then an opinion that he lived about that time: and putting all this together, I think it is not to be doubted, but that whom others call Zabratius, Zaratus, Zaras, Zaroës, Nazaratius, *etc.* is the same with Zoroastres, the character of the person, as well as the similitude of the names, proving this opinion. Perchance Porphyrius might think Zabratius and Zoroastres to be two different persons; but this doth not prove them so, Porphyry living many hundreds of years after. All that I aim to prove by these testimonies, is, that the best evidence we have from among the Greeks and Latins, for the time of Zoroastres, placeth him about the time where I have put him. But as to the exact chronology of all his actions, (which is not to be found in this, or any matter among the ancient Greeks) I acknowlege I follow the

eastern writers, whose books are all full of him; and that not from oral tradition, as you suppose, but antient authors. The Arabs indeed had no learning till after the time of Mahomet, but the Persians had; and from very antient times: and therefore, I believe no Arab author, as to this matter, any further than he writes from the Persians; and if the Persians have writings of this matter, of above two thousand years standing, why should they not be believed as well as Herodotus or Thucydides? Zoroastres's own books are still extant among the Magians in Persia and India; and from them are all the accounts that in the east are given of him. And his books being of the same sacred regard among them, as the Alcoran is among the Mahometans, it is not hard to conceive they should be preserved with the same care. As to Texeira, it is not a translation, but a short abstract of Emir Conda's Persian history; that history is ten times as big. And though that author should say nothing of Zoroastres, or Zerdusht, as they call him, this would not prove there was no such person, any more than if the contested passage in Josephus were given up, concerning our Saviour, it would prove that there was no such

person as Jesus Christ, because then there would be no mention of him in that history. If there be no such mention of Zerdusht in Emir Conda, good reason may be given for it: Emir Conda was a Persian Mahometan, and with them nothing can be in greater contempt than the Magians are in Persia; and that might be cause enough for him to take no notice either of them or their prophet.

I beg your pardon, I have not time to go over all your papers: others, as well as you, call for the second part of my history; and being now in the last scene of my life, and almost at the end of that, I have little time to spare from this work; which, for the gratifying of you and others, I would gladly finish before I die. But if I live to finish it, and another edition should be published of the first part, I will then thorowly examine all that you shall offer, but think my opinion, as to the time of Zoroastres, to be too well founded ever to be altered by me.

I am, Sir, etc.
Norwich, Octob.

14th, 1716.

Mr. MOYLE's Answer.

LETTER V.

SIR,

IN the next place, you would bring Zoroastres down as low as the age of Cyrus, by the help of a half citation from a nameless author in Suidas, who styles him a Persomedian; but immediately adds, that he flourished five hundred years before the Trojan war, that is, a thousand years before Cyrus: which plainly shows that Stanley, Marsham, and *** are mistaken in the meaning of the word Persomedes, which you suppose to have been never heard of till the union of the two kingdoms of Media and Persia, under Cyrus, since you see it mentioned a thousand years before. And if the authority of Suidas's author is good for one circumstance of the story, it is good for both. This single argument from Suidas sufficiently overturns your interpretation of the word Persomedes; but I shall add some other proofs. In the first place, I deny that the word Persomedias, or Persomedes, is to be met with in all the geographers or historians, as Marsham him-

self confesses, or any where else but in this single passage, where it is used in a quite different sense from what you give it, as I shall show hereafter. Nor was there any such thing after Cyrus united the monarchy of the Medes and Persians: for Media, after the reign of Cyrus, was as much a province of Persia, as any of their other conquests. All the old writers, with one consent, agree, that Cyrus conquered Media, and put an end to the empire of the Medes, except Xenophon in his *Cyropaedia*; which Plato, Cicero, Ausonius, and all antiquity, who were the best judges, considered as a romance. And that Xenophon himself designed it for such, I am fully persuaded from a remarkable passage of his ^x, which none of the critics that I have met with have taken notice of. He there expressly affirms that the Medes were subdued, and dispossessed of their empire by the Persians, and relates several remarkable particulars of the last war between the kings of Persia and Media. He has not given us their names indeed, but it is plain he could have no other in his eye but Cyrus and Astyages, for he relates it as an antient fact, and therefore it can never be understood of the re-

* *Ἀνέκδοτ.*, l. 3. p. 182, 183.

volt of the Medes under Darius Nothus, which happened but six or seven years before. This account is a flat contradiction to the whole tenour of the Cyropaedia, and is a demonstration that Xenophon did not intend it for a true history, but the model of a good prince.

That Persia, properly so called, was alone the *domicilium imperii*, and that the Medes were not joint sharers with them in the empire, appears from the revolt of the Medes under Darius Nothus, to recover their antient sovereignty; which is mentioned by Herodotus^y, and by Xenophon^z, and from the dying speech of Cambyfes^a, in which he conjures the Persians not to suffer the empire to be transferred again to the Medes. The same is confirmed by the form of Cyrus's edict^b, where he only takes the style and title of king of Persia, and from innumerable other testimonies which it would be endless to produce. It is true, we often meet in Thucydides, Herodotus and other writers, with the words τὰ μηδικὰ, μηδισμῶν, and μηδίζων, where the Persians are plainly meant: but nothing can be gathered from the use of these terms, but

^y L. 1. p. 35.

^z In Ἑλλην, l. 1. p. 255.

^a Herod. l. 3. p. 119.

^b Ezra 1. 2.

that those writers considered Media as the most considerable province of the Persian monarchy, and which had formerly been possessed of the empire of Asia^c; and call the new empire that had been raised on its ruins by the old name, though it was in different hands. In like manner Horace, Propertius, and Lucan, have called the Parthians Medes, though there is not the least pretence of a supposition that the Medes and Parthians had been ever united or incorporated into one nation. And the same answer will serve for the arguments Marsham has urged from the book of Esther. As for the objection of Stanley and Marsham, that Persia made no figure in the world before the time of Cyrus, it is very true; but Zoroastres might be born in Persia for all that. The name and nation of the Persians are elder than the Trojan war, as appears from Diodorus^d, Herodotus^e, Eustathius^f, Sallust^g, Pliny^h, Stephanusⁱ, and Apollodorus^j.

Having said thus much against your sense of the word Persomedes, I will now give you my own, which I borrowed from

^c Strabo, l. 11. p. 525.

^d L. 2. p. 109.

^e L. 7. p. 257, 274.

^f Ad Dionysium,

^g 1056.

^g De Bello Jugurth. c. 21.

^h L. 5. c. 8.

ⁱ In Illeus.

^j L. 2. c. 4.

Scaliger^k. He supposes it to signify a half Persian and half Mede, his father being of one nation, and his mother of another; as Cyrus is stiled a mule by the oracle in Herodotus^l, and by Megasthenes in Abydenus, for the same reason. Bishop Usher^m understands the word in the same sense. This is confirmed by Clemens Alexandrinusⁿ, who calls him a Persian, and a little lower in the same book calls him a Mede^o. And these different accounts cannot be well reconciled upon any other supposition, but that Zoroastres was descended from both nations. Nor is it strange that a single person should borrow his national name from two different provinces, when there are examples enough in history of whole nations who have taken their names in the same manner. The Gallo-Graeci of Asia were so called from their being a mixed race, descended by inter-marriages of Gauls and Asiatic Greeks^p. The Celtiberi of Spain borrowed that name from the Celtae and Iberi, from whom they were jointly descended^q. There are many other instances of the same kind, as the Gallo-Scythae,

^k Ad Fragmenta, p. 20. ^l Ai. 13.

^m Ad A. P. J. 4115. ⁿ In Strom. l. i. p. 357.

^o P. 399. ^p Flor. l. 2. c. 11. Liv. l. 38. c. 17.

^q Diodor. l. 5. p. 309. Appian. Iberica, p. 256.

mentioned by Plutarch^r, the Liby Ægyptii^s, the Liby Phaenices^s; to which I may add the Medo Bithyni, mentioned by Strabo^t, and the Armeno Chalybes. Many other examples of compound *Ethnika* might be produced, and all in the same sense I have given to the word Persomedes; but these authorities are sufficient to warrant my interpretation, and to prove it agreeable to the analogy and usage of the Greek tongue. As for Sir John Marsham, who first started the other interpretation, and is followed by Stanley, I do not wonder at him; for his whole scheme is to derive the original of all arts and sciences from the Egyptians, and in that view he has brought down Zoroastres by head and shoulders some ages lower than the Egyptian Magicians, contrary to the authority of Pliny^u, Arnobius, and Usher^v.

I wonder you should insist on the authority of Apuleius for an opinion which he expressly contradicts, and which you own to be inconsistent with the chronology of Pythagoras. As to the article of Zaratus, you

^r In Mario, p. 752. ^s Mela l. 1. c. 4.
^t Plin. l. 5. c. 8. ^u Plin. l. 5. c. 4. ^v Liv. l. 25.
 c. 40. ^w Ptolom. l. 4. c. 3. ^x Scymnus Chius, l. 5.
 p. 1968. ^y Q. 17. p. 295. ^z C. 30. § 1.
 Ad A. P. J. 3447.

have given up one of your authors, Porphyry; and, by the same rule, you must give up Clemens Alexandrinus, who, in the same place ^w where he mentions Nazaratus or Zaratus, names Zoroastres as a different man, and of a different nation; and Plutarch, who mentions them as distinct persons ^x: for he makes the first cotemporary with Pythagoras, and the last some thousand years elder. And it is very strange you will have Zaratus and Zoroastres to be all one, though your own authors expressly deny it. Upon the whole matter, I cannot find that you have one single testimony from any Greek or Latin writer, in favour of your hypothesis, but all must be resolved into the authority of the eastern writers, whom I think unworthy of credit.

○ I have left the age of Zoroastres at large, without fixing it to any particular date, by reason of the uncertainty of the old writers; nor did I ever affirm that he was king of Bactria: but I do not think Trogus was the only author who has made him so, for Hermippus, a very antient writer, makes him a Bactrian ^y; and bishop Usher ^z thinks Zoroastres to be the true reading in Diodorus,

^w Strom. i. p. 357.

^x De Iside et Osir. p. 659.

^y Apud Arnob. i. ^z Ad A. P. J. 3447.

and not Oxyatres; which I still think may be fairly inferred from that corrupt passage of Arnobius, which I cited in my letter. You suppose, that the writers, who have carried the age of Zoroastres to a great antiquity, have said nothing to the purpose, though they are authors of the greatest fame and antiquity. In that number is Xanthus Lydius, who was as antient as you make Zoroastres, and is praised by a very good judge, Dionysius Halicarnasseus, as an excellent antiquary, and makes him many hundred years elder than himself. Aristotle, and Eudoxus are old writers, and of the greatest reputation for judgment and integrity: and if their accounts carry him too high, it is at least good proof of his great antiquity. Hermippus, who flourished a little later, is another of my authors; to say nothing of Plutarch, Pliny, Hermodorus, and many others, who, if laid in the scale, will infinitely outweigh the testimony of Apuleius and Suidas, if they really favoured your hypothesis, which I am far from believing. I shall add only one author, because I think he has escaped all the modern critics who have writ of Zoroastres, Nicolaus Damascenus. He tells us^a, that

“ the Persians, when they were burning
“ Croesus, bethought themselves of the
“ oracles (or laws) of Zoroastres, which
“ forbad such a profanation of fire ;” and
adds, that “ it was an antient prohibition ;”
which shows that Zoroastres was a great
deal more antient than Cyrus. By the ora-
cles of Zoroastres, I do not mean that rhap-
sody of mystical nonsense published by Pa-
tricius, but the book of his laws, or the
system of religious worship: in the same
sense as the word *νόμος* is used, Acts vii.
38. Rom. iii. 2.

I am surprized to see you send me to Di-
ogenes Laertius's proem, which makes di-
rectly against you. The passage you refer
to is taken from Xanthus Lydius, who flou-
rished, according to Suidas, under Darius
Hystaspes; which is confirmed by Athe-
naeus^b, who says he was cited by Ephorus,
who makes him elder than Herodotus.
This account all the modern critics are a-
greed in, as Vossius, Du Pin, Menage, and
Harduin, in his notes on the authors cited
by Pliny: so that, by your reckoning, he
must be cotemporary with Zoroastres. The
relation which Diogenes borrows from him,
is as follows: Xanthus Lydius makes six

hundred years between Zoroastres and Xerxes's expedition into Greece, and that after him there was a succession of many Magi, viz. the Ostanae, Astrapsychi, Gobryae, and Pazatae. What follows is an addition of Diogenes Laertius; for it is impossible that a writer who flourished under Darius, and his son Xerxes, could mention the subversion of the Persian monarchy by Alexander; which I wonder Menage and the critics have not taken notice of. I am at a loss to imagine what consequence you can draw from this passage in favour of your hypothesis. It is apparent that Xanthus Lydius, who, upon your supposition, was equal with Zoroastres, places him six hundred years before the expedition of Xerxes, which he never would have done had they both lived in the same age. He himself was a subject of Persia, and could be no stranger to their religion, laws, or history, especially to facts in his own memory. As for Ostanes being his immediate successor, which is the argument you insist on, it is plain he could not be above forty or fifty years younger than his master, and consequently he must be many hundred years elder than Xerxes. But if you believe, upon the credit of Xanthus, that Ostanes was the suc-

cessor of Zoroastres, why will not you believe him when he places Zoroastres six hundred years earlier than Xerxes? If you admit of one article of the relation, you ought, by the same parity of reason, to allow of the other; since both of them depend on the same authority, and one is every whit as probable as the other. Nor does Xanthus say that Zoroastres was followed by Ostanes, but by the Ostanae in the plural number, that is, by a succession of several of that name, and so of the rest that are afterwards mentioned, as A. Fabricius ^c rightly understands it, and Suidas ^d mentions an intire succession of that name. Here ^e is too long a train of successors for so short a period of time as passed between Darius and Xerxes's expedition, in whose reign Xanthus wrote, or thereabout. Diogenes indeed, by an absurd gloss or addition to Xanthus's relation, has enlarged the time, and was led into that mistake, I suppose, by having heard of an Ostanes who flourished under Alexander, as we are told by Pliny ^f. Thus, Sir, I think I have

^c Bib. Graec. l. i. c. 14. ^d In 'Oσάνας.

^e Vid. etiam Gesnerum et Worth ad Tatianum. c. 28. et Scaliger. ad Graec. Euseb. Chron. p. 420.

^f Lib. 30. c. 1.

abundantly proved that many of the successors of Zoroastres bore the name of Ostan; and it is as manifest from this passage of Xanthus, that the first of these Ostanae, who was his immediate successor, could not be the Ostanes who came with Xerxes into Greece, because he makes him many hundred years elder: which account is confirmed by Apuleius, in his apology, who carries his age to a much greater height; for he makes him more antient than Moses and Jamnes.

As for the Persian writers, I know nothing of them but from Texiera, who tells us that Mirconde has the reputation of being their best historian, who may be well supposed to have collected his materials from their most antient and approved authors; whom, for that reason, I can never believe to be above two thousand years old: for it is impossible that writers, who flourished under the Persian empire, could have been so grossly ignorant of the succession, descent, lives, and actions, of their own kings. This charge upon them you must allow to be true, unless you are resolved to give up all the old Greek and Latin monuments, and the bible into the bargain, and set up these sorry romances in their room. I can never be-

lieve their book of their law to be the same they had formerly, because the religion is not the same, I gave some instances of it in my first letter, which I shall not repeat, but only observe, that the present Persians, according to your account, are downright Deists, whereas the old Persians were most certainly Polytheists and Idolaters, as appears from the places I cited in Clemens, and Epiphanius: to which I shall add the authority of a much better writer, Strabo ^s, who lived in Cappadocia, where great numbers of the Persian sect resided, and openly professed their religion; and it is impossible that an eye-witness, as he affirms of himself, could be mistaken in his account of their worship. If you ask how their original law came to be lost, I answer, that it is very natural to suppose, that after so many turns and revolutions in Persia, it might have the same fate which the Jewish law so narrowly escaped under Josiah, when there was but one copy of it left in the world. Or, perchance, it might have the fortune of the lesser epistles of Ignatius, to be so changed by additions and interpolations, in course of time, as to become a quite different law.

As to their present book of the law, it appears, by the account of Herbert, in his travels, as to the historical part of it, to be such a heap of silly lyes and legends, that I am apt to think the world has no great loss of Dr. Hyde's translation. And Huetius^h has given so many instances of facts and doctrines manifestly taken from the gospels, and applied to Zoroastres, that no reasonable man can doubt of its being composed long since the rise of Christianity: and if it still bears the name of Zoroastres, though forged so many ages after him, that may be easily accounted for to any man who has read the *Codex Apocryphus N. Testamenti*, published by Fabricius, where he will meet with numerous examples of mock gospels and epistles, that were forged some ages after the death of the authors to whom they are ascribed, and as firmly believed by those who received them as the Zendaverta is by the Persians. Mirconde, if a bigot, ought the rather to have related the imposture of Zoroastres, in order to have exposed it, as Sanders and Ward have writ the history of our reformation, and as you have writ the life of Mahomet. The argument from the silence of Mirconde is no demon-

strative one, nor did I urge it as such; but I thought it very natural to suppose, that if so memorable a revolution in religion had happened in the time of Gortorp, it could never have escaped Mirconde, in his history of the transactions of that reign: but if Texeiraⁱ is to be credited, Zoroastres was the same with Zoakt, the sixth king of Persia, who, according to Mirconde, flourished many ages before Gortorp.

I shall conclude all with one observation, that your hypothesis would have been more plausible and consistent, if you had supposed two Zoroastres's, the first the founder of the Persian sect, who is mentioned by all the old Greek writers, and the second the reviver or reformer of the same sect, for whom you have the authority of the eastern historians, as far as it will go. Upon this supposition, you would have avoided a world of difficulties and objections, which are never to be got over on the foot you have now set it, without rejecting the authority of the very best writers of all antiquity, which will never be allowed by the critics.

DR. PRIDEAUX's second Letter.

DEAR COUSIN,

I HAVE received more of your papers: to answer fully all that you object, would require a volume, which I have not time or strength to do, being almost worn out by infirmity, caused by the calamity I have suffered, and my advanced age, as being now just upon the seventieth year of my life. This hath so far broken me, as to confine me wholly to my house, and most an end to my chamber: only since you press particularly about the *Ἀναβάσις*, my answer is, that Xenophon was not the author of that book, but one Themistogenes of Syracuse. This Xenophon himself saith, in the beginning of the third book of his Hellenics. If you please to consult Usher's Annals, *sub Anno J. P. 4313*, you will find this there fully made out. I have indeed quoted that book under the name of Xenophon, because of the common opinion which every where attributes it to him; but I think the truth is otherwise. I perceive you hang much upon the matter of Zoroastres: but all that you object is built upon mistakes. If you do not place him

where I have, where else will you place him? Will you put him with Plutarch, five thousand years before the war of Troy; or, with others, six thousand years before the time of Plato? Others indeed reduce the thousands to hundreds, but all is fable; for the antients much affected a fabulous antiquity for all they relate. They who put things latest are generally nearest the truth. It is easy in all such matters to make objections for pulling down, but then you ought to build up better in their stead. I write with a paralytical hand, which makes writing difficult to me; for which I also need your pardon. I am,

Norwich, Jan.

DEAR COUSIN, etc.

30th, 1716.

Dr. PRIDEAUX's third Letter.

DEAR COUSIN,

THOUGH my hand be almost past writing, as you will sufficiently see by this letter, yet I cannot omit thanking you for the kindness of your last. I hope ere this you have received my book. I

am sure it will no where find a more observing and judicious reader than yourself: I had sufficient experience of this in your learned remarks on the former part. They have instructed me for the making some alterations against another edition; but, however, I cannot recede from placing the Zoroastres, who was the Zerdusht of the Persians, and the author of the book Zundavestow, which is the bible of the Magians, in that very age where my book has placed him: to say otherwise would be to contradict all the antient histories of the Persians, and the general tradition of all the east. What you object out of Xanthus Lydius, who lived in that very age in which I place Zoroastres, looks like an unanswerable argument; it being by no means likely that this author should assert Zoroastres to have lived six hundred years before the expedition of Xerxes, if he was his cotemporary. One answer hereto is, The history that, in the time of Diogenes Laertius, went under the name of Xanthus Lydius, was none of his, but written by Dionysius Scytobrachion, who lived a little before the time of Tully and Julius Caesar. This Athenaeus tells us, lib. 12. and quotes for it Artemon Cassandreus, who wrote a treatise on pur-

pose to make a distinction of the genuine authors from the spurious, which were then extant. But I am rather apt to think, with Pliny, lib. 30. c. 1. that there were two Zoroastres's, the elder of which was the founder of the Magian sect, and the other the reformer; and that this latter was the Zerdusht of the Persians, and lived in the time where I have placed him. Pliny, in the chapter last quoted, tells us of a Zoroastres, who lived but a little before (*paulo ante hunc*, are his words) that Ostanes, who came with Xerxes into Greece. Plato, in the tenth book of his politics, spoke of a Zoroastres, who was Herus Armenius, a Pamphilian. This same was the Armenius Pamphilus, who, Arnobius tells us, was familiarly acquainted with Cyrus, (See Clem. Alexand. Strom. 5. p. 436. Edit. Hinf. Arnob. lib. 1. p. 31.) I acknowledge the passage in Arnobius is very dark; but if it signifies any thing, it must signify thus much, that there was a Zoroastres who lived in the time of Cyrus. I may add hereto, that the antiquity, which most of the antients among the Greeks and Latins attribute to Zoroastres, is notoriously fabulous, as that of five thousand years before

the wars of Troy, and another of six thousand years before the time of Plato, *etc.* In most pretences to antiquity, it may go for a general rule, that they who say the latest say the truest. As to your other objection against Alexander's having been at Jerusalem, the place you refer to in Pliny manifestly makes against you; for the words there plainly prove that Alexander was then at Jericho, when that incision was made in the balsam trees which he makes mention of; otherwise these words, *Alexandro magno res ibi gerente*, would be very impertinently inserted. And if he were at Jericho, he would not go from thence to Gaza without taking Jerusalem in his way. The words in Pliny to me plainly imply, that Alexander was at Jericho when that incision was made, and that it was made at that time, for his sake, to gather some of the balsam. That an extraordinary providence has always attended that people, for their preservation, is manifest. That they are now in being is a sufficient proof hereof.

Norwich, July

I am, *etc.*

10th, 1718.

Mr. MOYLE's Answer.

LETTER VI.

Of ALEXANDER's having been at Jerusalem.

S I R,

BISHOP Usher produced the passage of Pliny you have quoted, to prove that Alexander, after the taking of Tyre, invaded Judea. This I owned, taking Judea in the largest sense of the word, which includes Palestine properly so called, and consequently Gaza, which Alexander besieged, and to that siege I suppose Pliny alluded.

Pliny begins the twenty-fifth chapter of the twelfth book with these words, *Sed omnibus odoribus praefertur balsamum, uni terrarum Judaeae concessum*, etc. From this period to the passage you cite, *viz. Alexandro magno res ibi gerente*, there is no mention made of any region, province, city, or town of Judea; and consequently, by all the rules of grammar and construction, *ibi* can be referred to nothing but Judea. For Pliny names the country in general, without specifying the particular quarter

of Judea, where the balsam-tree grew. This he did in imitation of Dioscorides who says the very same: for as to Theophrastus, he leaves it more at large, by saying that it grew in a vale of Syria. But “the balsam-trees, “you say, grew in the gardens of Jericho.” It is very true; but Pliny does not tell us so, and it is highly probable that he did not know it, at least had forgot it: for he has twice mentioned Jericho, and describes it in both places, as remarkable for its groves of palm-trees, without saying a word of the balsam-tree, which was the distinguishing rarity of Jericho, as being peculiar to that city only, and the most valuable plant in the world: and Pliny could not have failed to take notice of it, if he had ever heard, or at least remembered, that the balsam-tree grew there. It may be objected, that Trogus and Strabo, both elder writers than Pliny, have placed the balsam-garden at Jericho, from whom he might have learned it. As to the first, the text is doubtful, one manuscript only favouring the vulgar reading; and it is uncertain whether the word Hierichus is Trogus’s, or his abridger Justin’s. And besides, Pliny has never cited the history of Trogus, tho’

he has mentioned his other works. And as for Strabo, he has never once quoted him in the whole course of his history: from whence one may fairly infer, that he had never read those authors, or at least had forgot that particular in them.

This passage Pliny has borrowed, as Theophrastus has done the latter part of it, from an author not now extant: but by the mention of Alexander's being in those parts at that time, one may easily guess in what age he lived. He has more than once cited the *Comites Alexandri*, for the discoveries they had made of new plants and other rarities, during their attendance upon Alexander, in his eastern expedition; and it is very natural to suppose, that their curiosity might lead them to visit so celebrated a plant as the balsam, while Alexander lay with his army in those parts: and from their relations, I am persuaded, Pliny took this circumstance of his descriptions. So that there is no necessity to infer from this place, that Alexander had been at Jericho himself. He had too much work upon his hand, at this juncture, to spend a whole summer's day in trying experiments upon the bleeding of a balsam tree. Besides, Jericho lay out of his way from Tyre to Jerusalem,

whither Josephus makes him march directly, though not indeed from Tyre, but from Gaza. Nor did he wage any war in Judea, properly so called, which is implied in Pliny; for your own author tells us, that the whole country submitted without striking a blow, and received him with open arms.

I am so far from thinking that Alexander was ever at Jericho, that I do not believe he ever was in any part of Judea, strictly so named. It is most probable that he took the direct road to Tyre, along the sea-shore, through Phaenicia and Palestina, properly so called, to Gaza. Josephus makes him march directly from Tyre to Gaza. The same is plainly implied in Arrian; and Curtius says that he ordered Hephaestion, with the fleet under his command, to coast along the shore of Phaenicia, while he came himself with the land-army to Gaza, without making the least mention of any action that intervened in his march thither. And is it possible to suppose that if he had reduced Judea by the way, the conquest of so important a province would have been passed over in silence by Curtius, who is so very particular in the relation of the inconsiderable exploits of Alexander? This confirms what I observed from Arrian

in my first letter, that Judea had submitted to Alexander, before he moved from Tyre.

I will not repeat the false dates and other inconsistencies which I have discovered in Josephus's relation. I consider the whole as a religious romance, to which you say the Jews in those times were much addicted; and perhaps it was forged in the same mint with Aristaeus's history of the septuagint, which you have so admirably well confuted.

The explication I have given of those texts of scripture, which make mention of the empire of the Medes and Persians, is confirmed by a parallel passage of Polyaeus, in his dedication to Antoninus and Verus, where he prefaces that they would obtain the victory over the Persians and Parthians. In this last case, there is not the least pretence for a voluntary coalition between these two nations, or that they were joint sharers in the sovereignty. It is possible indeed that the Persians might then have a nominal king or viceroy, as they had in Strabo's time; but it is certain he was subject to the Parthians till Artaxerxes shook off the yoke, and restored the Persians to their independence and empire. I cannot imagine what other account can be

given for these two nations being mentioned together on this occasion, than what I have assigned for the Medes and Persians being jointly named in the bible.

Archbishop Usher's conceit, that Themistogenes was the author of Xenophon's *Anabasis*, against the consent of such a cloud of witnesses as he has produced, is a very odd paradox. To the nine authors he has named, all of unquestionable credit, I shall add eleven more, *viz.* Ælian^k, Lucian^l, Strabo^m, Stephanus, Eustathius in Dionysium, Hesychius, Pollux, Harpocration *passim*, Ammonius the grammarian in *ἀποδοκμαί*, Suidas, and Tzetzes. Is it possible for any antient fact to be better attested? The only argument Usher insists on, is fairly accounted for by Plutarch, whom he cites, and by Tzetzesⁿ. It is true, they do not agree in their reasons for Xenophon's giving Themistogenes the honour of this history; but their reasons are very consistent with each other, and are very properly brought if true. All the modern authors of any note follow the authority of the antient, who were certainly the best judges in this controversy. But setting aside the

^k Lib. 7. c. 14.

^l In Somnio, p. 11, 12.

^m Lib. 8. p. 387.

ⁿ In Chil. l. 7. p. 154.

testimonies of the old and new critics, the conformity of the stile, and the way of thinking in this book, with the rest of Xenophon's works, is to me a demonstration, that either Xenophon was the author of this piece, or Themistogenes of all the rest that are fathered on Xenophon. The bishop is singular in his opinion; not one critic, that I know of, having thought fit to follow him: but the bishop's conduct, upon this occasion, is easily accounted for. The authority of the *Cyropaedia*, for reasons which are very obvious, was to be maintained right or wrong, though all antiquity thought it a romance; and his '*Avabáois*', which every body knew to be a true history, so grossly contradicting it, was a plain proof that Xenophon designed it as such. To evade this difficulty, and to vindicate the authority of the *Cyropaedia*, the bishop was forced to father the '*Avabáois*' on a different author.

Athenaeus indeed tells us, that Artemo Cassandreus affirms that the *Lydiaca*, which passed under the name of Xanthus, was writ by Dionysius Scythobrachion: but he is so far from being of Artemo's opinion, that he reproaches him with ignorance, in not knowing that this book had been cited by Ephorus, and that the example of Xanthus

set Herodotus upon writing his history. Both these authors flourished ages before Dionysius Scythobrachion, as you very rightly observe; and the passage of Suetonius, from which Casaubon^e infers the contrary, is a demonstration against himself. So that it is plain Athenaeus thought the *Lydiaca* genuine. It is cited as such by Strabo, and by Dionysius Halicarnassensis, the best critic of the politest age that ever was, who, at the same time, gives a very great character of the author: to say nothing of Pliny, Suidas, Stephanus, and others, who make frequent mention of this history, without the least suspicion of its being counterfeit. So that we have all the external evidence can be desired to prove it genuine: and as for internal proofs, there are none to be had, there being nothing extant of this history but a few scraps, that can give us no light one way or other. But after all, allowing this history to be a spurious work, it will not affect my argument at all: for I do not suppose the passage in Diogenes Laertius, we are disputing about, was borrowed from the Lydian history of Xanthus, but from another work of his that treated of the doctrine and principles

^e De Grammat. illust. c. 7.

of the Magians, and is cited by Clemens Alexandrinus P. So say Vossius, Du Pin, Harduin, and Menage; and it is infinitely more natural to suppose, that he mentioned the age of Zoroastres in a book which treated of a sect of which he was the founder, than in the history of the Lydian antiquities, in which Zoroastres was no ways concerned. Artemo, an obscure writer, against a cloud of witnesses!

But your other answer is far better, and I think you are extremely in the right to suppose two Zoroastres's. It is the expedient I proposed to you in my last letter upon this subject; and I think it impossible to reconcile the Grecian and Persian accounts upon any other hypothesis. This will render your whole relation infinitely more probable; and your making the last Zoroastres not the founder, but the reformer of the Magian sect, will, in some measure, account for the little mention that is made of him by the western writers; it being possible that some of the actions and doctrines of the latter may, through mistake, have been fathered on the former Zoroastres, who gave the first rise to that sect; and for that reason was most celebrated by the

Greek writers. Give me leave to observe a mistake you have made in this subject, in the first part^d, which should be corrected in another edition; you there cite Jamblichus, to prove that Pythagoras was the scholar of Zoroastres; but Jamblichus, in the place you mention, says only in general, that Pythagoras conversed with the Magi, without naming Zoroastres, or any other of that sect.

Part II. Book VIII. p. 588. 8^{vo}.

That OCTAVIANUS's posterity never enjoyed the empire.

Agrippina, the daughter of Julia, Augustus's daughter, was the mother of Caligula the emperor, and of Agrippina the mother of the emperor Nero: so that Caligula was the great grandson of Augustus, and Nero his great great grandson.

Dr. PRIDEAUX's fourth Letter.

DEAR COUSIN,

I DO most heartily thank you for your kind letter, especially for the observations which you have sent me of my mistakes

q Part I. Book IV. p. 228.

in the last part of my history. I must confess that about Octavius's posterity is a very great one. It is a downright blunder of my old head, and I am glad so accurate and learned a reader has not observed more of them. This makes me hope that no more such have escaped me. I have mended this, and all the others you have taken notice of; only I cannot make Socrates a Sodomite. The place in Juvenal, which you mention, reflects on him for his affection to Alcibiades, as if that were a Sodomitical amour. I am past labouring any farther, being now past the seventieth year of my age. If I out-live the ensuing winter, it is more than I expect, or indeed desire; for I have now upon me those decays, both of body and mind, as make me fully sensible — *gravis est et dura senectus*. Every body cannot live so long as my aunt, M. M. though, perchance, I might have lived much longer, and in full vigour, had not my great calamity come athwart me; considering that, it is much that I have lasted so long. I bless God for all his mercies hitherto.

I am,

Norwich, Sept.
6th, 1721.

DEAR COUSIN, etc.

Dr. Pringle's Connection. 185
in the last part of my history. I must con-
fess that about Olay's's posterity is a very
great one. It is a downright blunder of
the old head, and I am glad to rectify
it. I learned a teacher has not observed more
of them. This makes me hope that no
more such have escaped me. I have intended
it, and all the others you have taken no
notice of; only I cannot make room for
them. The place is full, which you
mention, reflects on him for his action to
the church, as if that were a doctrinal
point. I am past labelling any farther.
I am now past the twentieth year of my
age. I am in the evening winter, it is
more than I expect or indeed desire for
I have now upon me those heavy, cold, &
body and mind, as make me fully sensible
of the state of my health. Every body
cannot live so long as the aged M. M.
though, perchance I might have lived much
longer, and in full vigour, had not my great
calamity come almost at once; considering
that it is much that I have lasted so long.
I bless God for all his mercies hitherto.

I am, Sir,
Your obedient servant,
J. Pringle

Dear Cousin, etc.
Oct. 1751.

A N
E S S A Y
O N T H E
Lacedaemonian Government.

ADDRESSED TO
ANTHONY HAMMOND, Esq;

In the Year, 1698.

A N

Y A S S E

ON THE

Legislative Government

ADDRESSED TO

ANTHONY HAMMOND, Esq.

In the Year 1898.

A N

E S S A Y

O N T H E

Lacedaemonian Government.

WE learn from Herodotus, that the Lacedaemonian government, or civil polity, was reformed by Lycurgus, before whose time, it was such, that it did not answer the ends of government, either with regard to foreign affairs, or to their own domestic and private welfare among one another. It appears from this, that it is not peculiar to popish tyrannies only, for human kind to suffer the greatest indignities and cruelties under a notion and pretence of government, as you know, Fletcher ^r loves to maintain. " This wise lawgiver ^r made such checks " in the executive part of the government,

^r An eminent Scots gentleman of Salton.

^f See Herodotus, Clio.

“ that in the administration they reciprocally controlled each other.

The Lacedaemonian government was the same with that of Crete, and the basis of each was settled upon this maxim, “ that liberty is the chiefest good of civil society,” because it is that which makes every thing else we possess, our own. But without this liberty, all property centers in those who govern, and not in them who are governed^s.

It is obvious that this valuable liberty cannot be preserved without sufficient security from laws, which may create such a temperament in the constitution of the government, that a due balance in property, power, and dominion, is formed by it. From hence it is, that the commonwealth of Sparta has been very rightly defined to be a government of laws, and not of men; and what can reasonable creatures wish for, but to live under an empire of laws?

From modern politics we have been taught the name of the balance of power, but it was antient prudence taught us the thing.

To search to the bottom into the nature of this government, the subject of our present consideration, we must remember, that

^s See Strabo, *Geograph.* l. 10.

Lycurgus, when he first begun to give a new model to the commonwealth, found the greatest part of the people to be wretchedly and desperately poor, and some few excessively rich; his intention and design was to banish, on the one side, envy, fraud, and violence; and on the other, insolence, luxury, and oppression; and together with these, riches and poverty, each of them, when in extremes, diseases dangerous to the tranquillity of a commonwealth. Upon this he persuaded them to come into a new and equal division of lands, and that, for the time to come, none should aim at priority and precedency in any thing, but in private and public merit; that all should live upon equal terms with one another, declaring there ought to be no difference between man and man, but what arises from the just praise of virtue, and a necessary reproach of vice.

After he had gained this important point, we are told, that as he passed through the country in the harvest-season, and seeing the shocks of corn all of a size; he smiled and said, the country looked as if it belonged to brothers, who had newly parted their inheritance. Thus the crimes which are perpetually committed out of the love of

money, did of themselves soon cease. But this golden age at Sparta, when gold itself was of little worth or esteem, declined; for so early as in the time of Croesus, (the Lewis le Grand^t of that age) the Lacedaemonians began to cast amorous glances upon the beauteous metal, and being corrupted by him, they connived at the slavery he brought upon the Grecian republics in Asia, and by that means they lost their barrier; for the liberty of a government is as nice as the chastity of a woman: you know, dear Hammond, that if the fair one gives up the outworks, the citadel is not long maintained. Some time after, the equal distribution of lands (the Agrarian law) was shaken, tho' this was judged to be the immoveable basis of the commonwealth. Then covetousness entered, and after that a strong tendency to ease and pleasures, which soon overcame the sober and masculine temper of their first institution. Instead of that private integrity of mind, and that public probity of manners towards their friends and neighbours which accompanied their original state; pride, avarice, and injustice, supported by riches and power, advanced in triumph; and a government that grows effeminate

and weak at home, will soon become despicable and odious abroad; and as it declines from virtue, will sink in glory, and fall to ruin.

Thus you see, as a good author expresses it; *Eadem fabula semper in mundo agitur, mutatis duntaxat personis*; which agrees with what Thucydides says in his third book, *Eadem accidere, donec eadem hominum natura*. Justin, in his epitome of Trogus Pompeius, though an author defective in chronology, and taken singly, not intirely to be depended upon, yet he is very useful for antient history; and particularly in what he says of the Lacedaemonian government, in his third book; I refer you to him, not being willing to transcribe the whole, tho' he gives hints sufficient there, to form an idea of that republic. It was considered, that the body of a people shew no avarice, but in desiring to be equally taxed, nor no ambition, but to be quiet and happy under a just and well-poised government. And it appears this was such; for its administration was lodged in the different estates that composed the whole; the kings had the executive power in war, the courts of justice were in the hands of the magistrates by a

rotation of annual successions; in the senate was lodged the legislature, to the people belonged the choice of the senators, and the power of removing officers. Thus the perfection of government was aimed at in those early times; it was judged to consist in governing so, as men might seem to determine themselves freely, while they were guided by the laws, and the subject had just grounds to believe that his own advantage and profit consisted in obedience. But to speak my thoughts, the nature and state of man reacheth not to the ideal perfection of government; men can no more judge of their own good than children; some are too dull, and some too negligent; a trust is necessary, from hence arises government, but still the imperfections and weakness of human nature must go along with it.

However, absolute slavery is an unjustifiable usurpation upon nature; and I cannot conceive how absolute governments exercised tyrannically can think their suffering subjects are under an obligation of obedience; because such servile subjection implies a man's renouncing his reason, which amounts to a renunciation of human nature itself.

From the Lacedaemonian government Harrington formed his definition, which is

the basis of his Oceana. "An equal commonwealth, says that excellent author, "is a government established upon an equal Agrarian, arising into the superstructures, or three orders, the senate debating and proposing, the people resolving, and the magistracy executing by an equal rotation through the suffrage of the people given by the ballot".

How nearly this is drawn from Lycurgus's institution, you may read with pleasure in his life writ by Plutarch; and his laws were kept in Sparta almost seven hundred years, and during that great length of time the commonwealth flourished in all possible prosperity. He began with the forming of youth, and in them their course of life was so strict and austere, that war, when it was just and necessary, seemed natural to them. Diogenes said, when he returned from Lacedaemon to Athens, that "he came from men to women;" their discipline was such, both in war and peace, that it made their city feared as well as honoured by all their neighbours. They were esteemed the chief among all the Grecians, and had a directive power over all the rest.

Harrington's Oceana, p. 55.

Sovereignty and liberty were consistent with each other, and no way prejudicial to one another; their kings, though of the race of Hercules, were not uneasy in having their power limited, and the legislature kept within their bounds. You may observe in every government, that when the executive power is transferred to the legislative, there is no control, nor can there be any check upon them: the people in such a case must suffer without redress; they have no resource, because they are oppressed by their own representatives. The Ephori, or tribunes of the people, whose authority, in many respects, was above the king's, made the government seem a democracy; the decrees of the senate, in whom the legislature rested, were uncontrollable; in this it resembled an aristocracy, and the regal power, which, like the soul, did animate the whole, shewed something monarchical in it. He had power to do good, but none to do harm. The consideration of this government was of equal use to Sidney as well as Harrington. The former has, I think, been longer in confuting Sir Robert Filmer's patriarchal hypothesis, than it deserved, which makes that part of his work seem tedious; but his notions of government are general.

ly right, and expressed with a force and spirit beyond what is commonly to be met with. One thing is very well worth your notice in this author, and that is, the admirable use he makes of history, through the whole course of his book. Historical reflections are finely interwoven in all his discourses. Such an use of history seems to be wanting in many authors who treat of politics.

It is objected against Sidney, that he makes the grounds and obligation of subjection and obedience to government too precarious and loose; but this objection seems to be taken from some incorrect expressions, which have fallen from his pen, and do not arise from the regular hypothesis he advances; and it must be considered, that this work never had his last hand. If you look into Sidney, I would advise you to read first the answer that has been made to Filmer by Mr. Locke, and his *Essay on the original, extent, and end of civil government*; that piece contains the first rudiments upon this subject. I know a gentleman, who calls it the A. B. C. of politics. But I might spare giving these notices to you, who are an adept in the science. But

to return to Lycurgus; when the regal authority was put down at Lacedaemon, he established a senate of twenty eight men, to whom he joined two kings, descendants of Hercules, as was hinted above, besides the fundamental institutions he left them. This senate was to make laws, decrees, and orders for the governing of the commonwealth. But these laws were to have their ratification from the people, who frequently refusing to confirm the decrees of the senate, the government was sometimes reduced to difficulties; so about one hundred and thirty years after Lycurgus, Theopompus, and Polidorus, at that time the kings of Sparta, transferred the power of making laws on the senate: the people were soothed into the permitting of this by the pretence of an Oracle's commanding it; as a farther compensation, and to screen them from the tyranny that they might be liable to, either from the kings, or the senate, the Ephori were set up; and it is from the setting up of these high magistrates, that the four hundred years of the duration of that republic is computed by Thucydides.

The nearer you inspect and take a view of the Lacedaemonian commonwealth, you will find, as I formerly hinted, the true

constitution of the government to consist in this, that it contained in its formation a proper distribution of power into several branches, in the whole composing, as it were, one great machine, and each grand branch was a check upon the other; so that not one of them could exceed its just bounds, but was kept within the sphere in which it was circumscribed by the original frame. From the laws of eternal reason, it is evident, that number, weight, and measure goes through the civil, as well as the natural world; and as all things were at first created, so are they still governed, by rules necessarily resulting and flowing from thence: from this reason and necessity (the words are equivalent, and of the same signification in the language of the schools) arises the truth of that political maxim, which you tell me Mr. Harley^v often repeats; *Res nolunt administrari diu*: that is, a government cannot subsist long under an ill administration. Observe that the weight of the proposition rests upon this, that ill management, confusion, and disorder cannot long subsist. Physicians say, that acute diseases either cure themselves, or kill; so the constitution of a government either recovers its original state from under

a wrong administration, or it dies; that is, changes its form, and is renewed under another; for human societies can never cease and break up intirely. Even in civil war, (the great reproach and blemish of human prudence, or rather human nature) each side maintains a just government among themselves, however monstrous and barbarous they are to the adverse party. It is an agreeable thought to consider how many millions of people lived happily and died quietly under the Spartan government, in a succession of 700 years. I do not regard the severities of the discipline, with which their youth was educated: it is the weak and only censure with which the corrupt advocates of absolute monarchy could ever asperse that republic. These men do not fairly consider, that the severity they complain of was amply recompensed by the true and substantial nourishment it gave to the seeds of innate virtue among them; and afterwards it was still more amply recompensed by the respect and veneration that was paid to those youths, when they became old men. The private virtue, which that rigid education instilled, gave a strength to their public government; and it was that strength enabled the commonwealth upon extraordinary emergencies to

right herself soon, if I may use a sea-phraſe, when ſtorms had brought her to lye almoſt a long ſide. Such a vigour we have once ſeen in England upon the late happy revolution; and I wiſh, from my ſoul, that England may never want a like vigour upon a like occaſion.

In Lacedaemon, the diſtinct function and different power of each branch of the government was well known, and therefore it was as well known among them, when an encroachment and invaſion was made by the one, upon the inherent rights and inſeparable privileges of the other. I ſhould be glad we could ſay the ſame thing of our own government here in England; but the boundaries and limits of prerogative and liberty are not yet ſo well ſtated with us. To ſpeak with freedom, and, I hope, without offence to the learned and pious body you repreſent^w, I muſt tell you plainly, that the clergy have, for a great number of years, contributed chiefly to perplex the notions and muddle the brains of the people about our Engliſh conſtitution: however I do as freely own they did their duty very well, juſt upon the revolution; and whatever their theories were, they did, at that

^w Anthony Hammond, Eſq; was repreſentative for the univerſity of Cambridge.

crisis, act rightly, *per viam facti*, as the civilians term it. To reconcile their practice then to their speculative maxims before and since, their proceedings as freeborn subjects to the *jura sanguinis*, and the indefeasible rights; that is their business, as Sir Robert Marsham used to say. But since I have touched upon this point, spare me a word; I am, dear Hammond, on the side of liberty. I have traced this matter to its source, and it may be, perhaps, of use to you at the Rose or the three Tuns^x. It may be observed, that arguments, supported with the strongest reasons, and most convincing and cogent to us of the laity, have not the same efficacy and weight with the clergy; they still oppose us, and contradict us even in matters which we take to be the common and undoubted rights belonging jointly and mutually to the parson as well as to the parishioner. How is it possible, that men of great learning, piety, and reason, should not have the same care of their own and our rights as we have, and the same conviction of what our rights are, as we ourselves have, upon clear reason, in plain terms offered to them? It certainly can arise only

^x Taverns used by a select number of members of parliament.

from hence, we must necessarily differ in principles, and then it is not difficult to apprehend, that what is clear sense to men of my principle, may not affect the judgment, nor guide the consciences, of very good men of a different principle from me. My principle is, that the king is king by the fundamental law of the land, and by the same law, and no other, the meanest subject enjoys the liberty of his person and property in his estate, and it is every man's concern to defend this to his utmost, as well as the king in his lawful rights and prerogatives.

It is also my principle, that the house of lords and commons are an essential part of the government, and established by laws of equal force and validity with those by which regal power is settled among us. According to this principle every honest man that holds it, must endeavour, with equal care and courage, to preserve the frame of our government in all parts and branches of it, and cannot in conscience give up the one to the other. He that, from any indirect motive, or from a love of ease, shall depart from endeavouring this, will soon lose the sweetness of that ease which induced him to be either false, or remiss, in the service of his king and country. But while some of the

laity are labouring in this service, there are those among the clergy, who act upon another principle, which they brought into the world about the year 1640. We agree that the king and government is to be obeyed for conscience sake, and the precepts of religion require obedience not only of the subject here, but in all parts of the world, to their lawful governors; but this particular frame of government is our legal constitution by the laws of the land. Monarchy, by divine right, cannot be bounded nor limited by human laws, nor can it indeed effectually bound itself. All claims vested in the people collectively, or in particulars, either by the constitution of the government, or by laws, all jurisdictions and privileges of the house of lords, all the rights of the house of commons, all the liberties and properties of the people are, according to this principle, to be yielded up, if required, not only to serve the interest, but the will and pleasure of the crown. The best and worthiest men, holding this mistaken notion, must, if they act conformably to it, surrender accordingly. Could the Lacedaemonian government have held long, if a party among them of this stamp had prevailed? This principle was a main

occasion of the civil wars among us, and contributed to bring us to the very brink of ruin before the revolution; and if it spreads again, will be fatal to us by throwing us into confusions and tumults. One conclusion may be naturally drawn from the substance of this digression, which will properly bring us to our subject: the Ephori were the guardians of liberty at Sparta, as our parliaments are here; and I must needs give the preference to a representative of the people, as a better security against the encroachments of regal power, than their Ephori, or the tribunes among the Romans.

The Athenians, making large conquests in Asia, began to eclipse the Spartan glory; upon which a war ensued between them, and after various losses sustained by Athens, they took the city and dismantled it. Soon after this success, the war between them and the Boeotians broke out, who were underhand assisted by the Athenians, and openly by the Persians. Here they felt shocks unknown to them before that time; I refer you to the life of Epaminondas the Theban. Next they were involved in the holy war of that age, and much streightened by Philip of Macedon; but still they held their liber-

ty, till Antigonus, one who succeeded in a part of Alexander's empire, defeated Cleomenes their last king, killed his brother and 6000 Spartans, entered the city, and was the first man that ever was received into it as a conqueror. This was 221 years before the Christian Æra, and above 700 years from Lycurgus.

Thus I have, in a few words, given you a crayon of the history of the Lacedaemonians, which may be a guide to you in reading any of the occurrences of that government. The most learned civilian, P. Ærodius, in his collection of the antient adjudged cases, (*ab omni antiquitate*, as he expresses it, that agree with reason, and tend to the illustration of the civil laws) has many more cases drawn from precedents among the Lacedaemonians, than from any other people; you may likewise observe, that, in Valerius Maximus, the instances of wisdom and virtue, taken from the Spartans, bear no small proportion in his rhapsody. Having Lucius Florus now in my hands, the panegyric historian of the Roman commonwealth, I cannot omit mentioning the account of a defeat which he was to make the best of, and passing over the number of those slain and those taken prisoners: *Hic paulum*

circumacta fortuna est, tantum ut plura essent Romanae urbis insignia, cujus fere magnitudo calamitatibus approbatur. Nam conversis ad externa auxilia hostibus, cum Xantippum illis ducem Lacedaemon misisset, a viro militiae peritissimo vincimur, cum foeda clade, Romanisque usu incognita, viris in manus hostium venit fortissimus imperator, [Regulus y.] This action, in our common chronologies, is placed 253 years before Christ. We cannot form a juster idea of the excellency and efficacy of the Lacedaemonian institutions and laws, than by looking into the lives of the great men, who have been produced under that government; a list of some of them are given us by Lucius Ampelius as follows, Lycurgus, Theopompus, Polydorus, Othryades, Leonidas, Pausanias, Leander, Xantippus, Agesilaus.

The antient civil government of all Greece, and that will take in Peloponnesus, may be considered, First, In its origination. Secondly, Under the various alterations it went through.

As to the first, its origin, we shall find that some governments arose from consent and compact, and that in particular cities,

y See Lucius Florus on the first Punic war, l. 2. c. 2.

some were independent on any other for their original, and others owed their original to neighbouring cities, who sent out colonies to plant them.

In the alterations that happened in their governments, some of them arose by consent among themselves, as was the case of Lacedaemon, and others of those alterations that arose by intestine seditions, which made way for usurpation, and others were changed by conquest from abroad. I have been the more minute in those divisions, because I am persuaded they may be of use in reading not only the Grecian history, but also the histories of all other parts of the world, if you trace them from their first sources. For the clearer discovery of these points, as they relate to Greece, it will be necessary to consider the constituent cause of civil government, the people, in their origin, and in their dispositions and manners. As to the first of these, we find two very differing accounts; some say they were descended from ancestors, who came thither from Ionia, Doris, and Æolia in Asia Minor; and others assert, that they were Aborigines, or sprung out of the earth, where they inhabited, and had always lived thereabouts. This is all the notices we can have

of them from their own authors; the latter of which, however false it may be, serves to teach us thus much, that the country had been inhabited time out of mind: as to their whimsey of being Aborigines, I think it ought rather to be looked upon as a frivolous notion in their philosophy, than an error in their history; and since they endeavour to persuade us that all the western nations were derived and peopled from them, why may we not rather conclude in arguing against their notion, that they themselves were colonies from the South-East parts, rather than that their land peopled itself, unless they pretend to prove that their soil was better able, and more disposed, to bear mankind than any other? If from the origin we come to their dispositions and manners, in the most antient times, before they coalesced into their respective governments, we shall find them to have been very barbarous, and wandering from one place to another in quest of food and maintenance; those who inhabited barren countries, making frequent incursions upon those that held the more fruitful, and these were often driven out to make room for others, and afterwards those again expelled. The most fruitful countries were the con-

stant scenes of such vicissitudes: these changes of inhabitants were more frequent in Peloponnesus, than in Attica, which being more barren was less molested with these permutations. Besides these inroads among themselves, they were no less harassed on their coasts by the continued invasions of pyrates, an inseparable consequence of naval superiority, who inhabited the islands, and the continent of Asia bordering upon the sea; which made them, in those early times, not venture to live near the sea. Thus they were in a state of almost perpetual war both abroad and at home: it is very observable how these accounts correspond with our first discoveries in America; and thus it continued in Greece, till Minos king of Crete, now Candia, with his fleet destroyed all the pyrates, and set up several governments, making his sons, princes.

When the seas were thus cleared, they became free for trade, which induced the people to live upon the coasts of Greece, and to apply themselves to the art of navigation, tho' Lycurgus prohibited trade, as tending to foment luxury, which was contrary to that severity of manners, and parsimony of living, which he introduced; and though that austere method did not contribute to

extend their conquests, it gave them a long duration within their own bounds. Concerning the particular governments of Greece, some were free and independent on any other, and many arose from colonies: as for the foundation of Sparta or Lacedaemon, the chronologers run it up so far back into the fabulous age, that we cannot depend upon any thing certain, either from Pausanias, or Stephanus, in his treatise *De Urbibus*, who place the building of it above 1700 years before the birth of Christ, which was coeval with the time when Jacob sent his ten sons to buy corn in Ægypt.

From thence, till the reign of Menelaus, all things lie in obscurity. He was king of Lacedaemonia, and his story too well known to be mentioned. His son-in-law, Orestes, having married Hermione, became king of Mycenae and Sparta; this was soon after the taking of Troy, from which Æra the computation of the Grecian history begins to acquire some degrees of certainty; and this was about the latter part of the age, when the judges governed in Israel, about 1200 years before Christ. When the line of Orestes failed, the Heraclidae, or descendants of Hercules, governed Lacedaemon, Mycenae, and Corinth. There were

several branches of them, but the kingdom of Sparta was in them, when Lycurgus gave them the laws he brought from Crete, or framed himself for them. He was contemporary with Homer, and lived about 900 years before Christ. Aristotle, at the latter end of the tenth book of his Ethics, speaking of the force and efficacy of laws, draws an argument from the example of the Lacedaemonians, whose legislature had put the education and discipline of their youth under the direction of public laws; and as they excelled their neighbouring governments in this respect, so both Aristotle and Xenophon assign this as the cause of that superiority, which Sparta maintained over the other cities of Greece, who being negligent in this important point, a dissolution of morals and virtue was a consequence that necessarily followed it. There are instances among them of proceeding to judgment and execution against state criminals, without tying themselves down to the common forms of their courts of judicature.

When the danger was great and imminent, they did not use the formality of an accusation, and a legal trial, but to prevent worse consequences proceeded in a summary way. This was an attainder among

them, and Agesilaus gave a precedent of it, when, as Plutarch recites the case, the city being besieged by the Thebans, under their wise and valiant general Epaminondas, information was given that some Spartan citizens were met together in the night on a treasonable design; whereupon Agesilaus, by the advice and authority of the senate and the Ephori, seized them upon the spot, and immediately caused them to be put to death, without any open process or trial. Upon this Valerius Maximus observes in his seventh book, that it was a very prudent action in Agesilaus, in suspending, upon that occasion, the laws of Lycurgus, which strictly forbid the punishment of uncondemned persons: *Comprehensis autem et interfectis fontibus easdem lege se vestigio restituit; atque utrumque simul providit, ne salutaris animadversio, vel injusta esset, vel jure impederetur: itaque ut semper esse possent, aliquando non fuerunt.* That is, having apprehended the guilty, and put them to death, he presently restored the laws again.

Old Mr. Henry Nevil, whom you know they call Plato at the Grecian coffee-house^z,

^z In Devereux-Court, without Temple-Bar, is a

from his being author of an excellent treatise, intituled, *Plato Redivivus*, or a dialogue concerning government, Anno 1681, wherein, by observations drawn from other kingdoms and states, both antient and modern, an endeavour is used to discover the present politic distemper of our own, with the causes and remedies: This wise and experienced gentleman says, p. 248. "I have
" ever thought that the Ephori of Sparta
" were an admirable magistracy, not only
" for the interest of the people, but likewise of the authority of the kings, and
" of their lives too: for Plutarch observes,
" that the city of Mycenae and Argos had
" the same government with Lacedaemon,
" and yet for want of erecting such an authority as was in the Spartan Ephori, they
" were in perpetual broils amongst themselves; and for that reason were ever
" beaten by their enemies; whereas the
" Spartans were always victorious: and at
" last in both those cities the kings were
" driven out, their families extirpated, and
" the government turned into a democracy." We may see from this, that

coffee-house so called, from its being originally kept by Mr. George Constantine, a Greek.

Theopompus shewed a great penetration into futurity, as well as moderation with regard to his own personal power. When he instituted the Ephori, they told him he had lessened the grandeur of his children: he replied, he should indeed leave it less, but more lasting. *Optime quidam*, says the Roman author, *ea enim demum tuta potentia, quae viribus suis modum imponit.*

The constitution is a living instrument, and its interpretation must be adapted to the changing conditions of society. It is not a dead letter, but a guide to the conduct of the government. The power of the government is derived from the people, and it is their duty to hold the government accountable. The constitution is the foundation of the government, and it is the duty of every citizen to uphold it.

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A N
A R G U M E N T,

S H E W I N G,

That a STANDING ARMY is inconsistent with a FREE GOVERNMENT, and absolutely destructive to the CONSTITUTION of the ENGLISH MONARCHY.

Printed in the Year 1697.

A N

ARGUMENT

THE WING

THE A STANDING ARMY IS INCON-
SISTENT WITH A FREE GOVERNMENT,
AND ABSOLUTELY Destructive TO THE
CONSTITUTION OF THE BRITISH
MONARCHY.

Printed in the Year 1801

DEDICATION

To all those^a whom it may concern.

Qui capit, ille facit.

WHEN I consider your great zeal for your country, how much you have exposed yourselves for its service, and how little you have improved your own fortunes, I think it is but justice to your merits to make your encomiums the preface to the following discourse. It is you that have abated the pride, and reduced the luxury, of the kingdom: you have been the physicians and divines of the commonwealth, by purging it of that dross and dung, which corrupt the minds, and destroy the souls of men. You

^a i. e. Courtiers.

have convinced us that there is no safety in counsellors, nor trust to be put in ships under your conduct.

You have cleared the seas, not of pyrates, but of our own merchants, and by that means have made our prisons as so many store-houses to replenish your troops. In fine, to use the expression of the Psalmist, *Your hearts are unsearchable for wisdom, and there is no finding out your understanding.* When I consider all this, and compare your merits with your preferments, how you came by them, and your behaviour in them, I cannot but think a standing army a collateral security of your title to them, and therefore must commend your policy in promoting it. For by these kings reign, and princes decree justice. These will be our magistrates, who will not bear the sword in vain. These, like the sons of Aaron, will wear their Urim and Thummim on their backs and breasts, and will be our priests, who will hew the sinners to

pieces, as Samuel did Agag before the Lord in Gilgal. By these you will be able to teach us passive obedience, as men having authority, and not as the Scribes. You will have your reasons in your hands, against resisting the higher powers, and will prove your *jus divinum* by the sword of the Lord, and of Gideon.

Your Honours most

obedient slave and vassal,

A. B. C. D. E. F. G.

...the sword of the Lord, and of G-
...and will prove your in divi-
...praise, against ruling the higher
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Library has own members

A N

A R G U M E N T

A G A I N S T

A S T A N D I N G A R M Y, etc.

WHEN I consider what a dismal scene of blood and desolation hath appeared upon the theatre of Europe, during the growth and progress of the French power, I cannot sufficiently applaud and admire our thrice happy situation, by which we have long enjoyed an uninterrupted course of peace and prosperity, whilst our neighbouring nations have been miserably harrassed by perpetual war: for lying open to continual invasion, they can never enjoy quiet and security, nor take a sound sleep, but Hercules-like with clubs in their hands. So that these Halcyon days which we enjoy amidst such a universal hurricane, must be solely attributed to our tutelar god Neptune, who, with a guard

of winged coursers, so strongly intrenches us, that we may be said to be *media insuperabiles unda*, and not unfitly compared to the earth, which stands fixed and immovable, and never to be shaken but by an internal convulsion. And as nature has been thus liberal to us in our situation, so the luxuriance of our soil makes it productive of numerous commodities for trade and commerce: and as this trade renders us masters of the silver and gold of the east and west without our toiling in the mine, so it breeds us multitudes of able-bodied and skilful seamen to defend the treasures they bring home: that even luxury itself, which has been the bane and destruction of most countries where it has been predominant, may, in some measure, be esteemed our preservation, by breeding up a race of men amongst us, whose manner of life will never suffer them to be debauched or enervated with ease or idleness. But we have one thing more to boast of besides all these felicities, and that is, of being free men, and not slaves in this unhappy age, when an universal deluge of tyranny has overspread the face of the whole earth; so that this is the Ark out of which if the dove be sent

our master God Jehovah, who will send him

forth, ſhe will find no reſting-place till her return.

Our conſtitution is a limited, mixed monarchy, where the king enjoys all the prerogatives neceſſary to the ſupport of his dignity and protection of his people, and is only abridged from the power of injuring his own ſubjects: in ſhort, the man is looſe, and the beaſt only bound; and our government may be truly called an empire of laws, and not of men; for every man has the ſame right to what he can acquire by his labour and induſtry, as the king hath to his crown, and the meaneſt ſubject hath his remedy againſt him in his courts at Weſtmiſter: no man can be impriſoned, unleſs he has tranſgreſſed a law of his own making, nor be tried but by his own neighbours. So that we enjoy a liberty ſcarce known to the antient Greeks and Romans.

And leſt the extraordinary power intruſted in the crown ſhould lean towards arbitrary government, or the tumultuary licentiousneſs of the people ſhould incline towards a democracy, the wiſdom of our anceſtors hath inſtituted a middle ſtate, *viz.* of nobility, whoſe intereſt it is to trim this boat of our commonwealth, and to ſcreen the people againſt the inſults of the prince, and the prince

against the popularity of the commons; since, if either extreme prevail so far as to oppress the other, they are sure to be overwhelmed in their ruin. And the meeting of these three states in parliament is what we call our government: for without all their consents no law can be made, nor a penny of money levied upon the subject; so that the king's necessities do often oblige him to summon this court, which is the grand inquest of the kingdom, where the people speak boldly their grievances, and call to account overgrown criminals, who are above the reach of ordinary justice: so that the excellence of this government consists in the due balance of the several constituent parts of it; for if any one of them should be too hard for the other two, there is an actual dissolution of the constitution; but whilst we continue in our present condition, we may, without vanity, reckon ourselves the happiest people in the world.

But as there is no degree of human happiness that is not accompanied with some defects, and the strongest constitutions are most liable to certain diseases; so the very excellence of our government betrays it to some inconveniencies, the wheels and motions of it being so curious and delicate that

it is often out of order, and therefore we ought to apply our utmost endeavours to rectify and preserve it: and I am afraid it is more owing to the accident of our situation, than to our own wisdom, integrity, or courage, that it has yet a being, when we see most nations in Europe over-run with oppression and slavery, where the lives, estates, and liberties of the people are subject to the lawless fancy and ambition of the prince, and the rapine and insolence of his officers; where the nobility, that were formerly the bold assertors of their country's liberty, are now only the ensigns and ornaments of tyranny, and the people beasts of burden, and barely kept alive to support the luxury and prodigality of their masters.

And if we enquire how these unhappy nations have lost that precious jewel liberty, and we as yet preserved it, we shall find their miseries and our happiness proceed from this, that their necessities or indiscretion have permitted a standing army to be kept amongst them, and our situation rather than our prudence hath as yet defended us from it, otherwise we had long since lost what is the most valuable thing under heaven: for, as I said before, our constitution depending upon a due balance between king, lords, and commons,

and that balance depending upon the mutual occasions and necessities they have of one another; if this cement be once broke, there is an actual dissolution of the government. Now, this balance can never be preserved but by an union of the natural and artificial strength of the kingdom, that is, by making the militia to consist of the same persons as have the property; or otherwise the government is violent and against nature, and cannot possibly continue, but the constitution must either break the army, or the army will destroy the constitution: for it is universally true, that wherever the militia is, there is or will be the government in a short time; and therefore the institutors of this Gothic balance, which was established in all parts of Europe, made the militia to consist of the same parts as the government, where the king was general, the lords, by virtue of their castles and honours, the great commanders, and the freeholders, by their tenures, the body of the army; so that it was next to impossible for an army thus constituted to act to the disadvantage of the constitution, unless we could suppose them to be *felos de se*. And here I will venture to assert, that upon no other foundation than this can any nation long

preserve its freedom, unless some very particular accidents contribute to it: and I hope I shall make it appear, that no nation ever preserved its liberty, which maintained an army otherwise constituted within the seat of their government: and let us flatter ourselves as much as we please, what happened yesterday will come to pass again, and the same causes will produce like effects in all ages. And here I cannot avoid taking notice of some gentlemen, who, a few years since, were the pretended patriots of their country, who had nothing in their mouths but the sacred name of liberty, who, in the late reigns, could hardly afford the king the prerogative that was due to him, and which was absolutely necessary to put in motion this machine of our government, and to make the springs and wheels of it act naturally, and perform their function: I say, these gentlemen, that could not with patience hear of the king's ordinary guards, can now discourse familiarly of twenty thousand men to be maintained in times of peace; and the odious excuse they give for this infamous apostacy, is, that if they should not gratify the court in this modest request, another party would be caressed, who will grant this, or any thing else which is asked,

and then they say matters will be much worse: as if arbitrary government was a different thing in their hands from what it is in others, or that the lineaments and features of tyranny would become graceful and lovely when they are its *valets de chambre*. But let them not deceive themselves, for if they think to make their court this way, they will quickly find themselves out-flattered by the party they fear, who have been long the darlings of arbitrary power, and whose principles, as well as practices, teach them to be enemies to all the legal rights and just liberties of their native country; and so these wretched bunglers will be made use of only to bring together the materials of tyranny, and then must give place to more expert architects to finish the building.

And though we are secure from any attempts of this kind during the reign of a prince, who hath rescued us from a captivity, equal to what Moses redeemed the people of Israel from; a prince whose life is so necessary to the preservation of Europe, that both Protestant and Popish princes have forgot their antient maxims, and laid aside their innate animosities, and made it their common interest to chuse him

their patron and protector; a prince in whom we know no vices, but what have been esteemed virtues in others, viz. his undeserved clemency to his enemies, and his exposing too much that life upon which depends not only our safety, but the liberties of all Europe, and the Protestant religion through the world: I say, was this most excellent prince to be immortal, as his great and glorious actions, we ought, in common prudence, to abandon all thoughts of self-preservation, and wholly to rely on his care and conduct. But since no virtue nor pitch of glory will exempt him from paying the common debt to nature; and death hath a fythe which cuts off the most noble lives; we ought not to intrust any power with him, which we do not think proper to be continued to his successors. And doubtless our great benefactor will not regret this, or any thing else that can reasonably be demanded in order to complete that deliverance so far advanced by his invincible courage and conduct. For to set us, like Moses, within view of the promised land, with a *ne plus ultra*, is the greatest of all human infelicities; and such I shall always take our case to be, whilst a standing army must be kept up to prey upon our

entrails, and which must, in the hands of an ill prince (which we have the misfortune frequently to meet with) infallibly destroy our constitution. And this is so evident and important a truth, that no legislator ever founded a free government, but avoided this Charybdis, as a rock against which his commonwealth must certainly be shipwrecked, as the Israelites, Athenians, Corinthians, Achaians, Lacedaemonians, Thebans, Samnites, and Romans; none of which nations, whilst they kept their liberty, were ever known to maintain any soldier in constant pay within their cities, or ever suffered any of their subjects to make war their profession; well knowing that the sword and sovereignty always march hand in hand; and therefore they trained their own citizens, and the territories about them, perpetually in arms, and their whole commonwealths by this means became so many several formed militias: a general exercise of the best of their people in the use of arms, was the only bulwark of their liberties; this was reckoned the surest way to preserve them both at home and abroad, the people being secured thereby as well against the domestic affronts of any of their own citizens, as against the foreign invasi-

ons of ambitious and unruly neighbours. Their arms were never lodged in the hands of any who had not an interest in preserving the public peace, who fought *pro aris et focis*, and thought themselves sufficiently paid by repelling invaders, that they might with freedom return to their own affairs. In those days there was no difference between the citizen, the soldier, and the husbandman; for all promiscuously took arms when the public safety required it, and afterwards laid them down with more alacrity than they took them up: so that we find among the Romans, the best and bravest of their generals came from the plough, contentedly returning when the work was over, and never demanding their triumphs till they had laid down their commands, and reduced themselves to the state of private men, Nor do we find that this famous commonwealth ever permitted a deposition of their arms in any other hands, till their empire increasing, necessity constrained them to erect a constant stipendiary soldiery abroad in foreign parts, either for the holding or winning of provinces. Then luxury increasing with dominion, the strict rule and discipline of freedom soon abated, and forces were kept up at home, which soon

proved of such dangerous consequence, that the people were forced to make a law to employ them at a convenient distance; which was, that if any general marched over the river Rubicon, he should be declared a public enemy: and in the passage of that river this following inscription was erected; *Imperator five miles, five tyrannus armatus quisquis sistito, vexillum armaque deponito, nec citra hunc amnem trajicito.* And this made Caesar, when he had presumed to pass this river, to think of nothing but pressing on to the total oppression of that glorious empire.

Nor, as I said before, did any nation deviate from these rules but they lost their liberty; and of this kind there are infinite examples, out of which I shall give a few in several ages, which are most known, and occur to every one's reading.

The first example I shall produce is of Pisistratus, who artfully prevailing with the Athenians to allow him fifty guards for the defence of his person, he so improved that number, that he seized upon the castle and government, destroyed the commonwealth, and made himself tyrant of Athens.

The Corinthians, being in apprehension of their enemies, made a decree for four

hundred men to be kept to defend their city, and gave Tymophanes the command over them, who overturned their government, cut off all the principal citizens, and proclaimed himself king of Corinth.

Agathocles being captain-general of the Syracusians, got such an interest in the army, that he cut all the senators to pieces, and the richest of the people, and made himself their king.

The Romans, for fear of the Teutones and Cimbri, who, like vast inundations, threatened their empire, chose Marius their general; and contrary to the constitution of their government, continued him five years in his command, which gave him such opportunity to insinuate and gain an interest in their army, that he oppressed their liberty: and to this were owing all the miseries, massacres, and ruins, which that city suffered under him and Sylla, who made the best blood in the world run like water in the streets of Rome, and turned the whole city into a shambles of the nobility, gentry, and people.

The same thing enabled Caesar totally to overthrow that famous commonwealth; for the prolongation of his commission in Gaul, gave him an opportunity to debauch his

army, and then, upon a pretended disgust, he marched to Rome, drove out the senators, seized the treasury, fought their forces, and made himself perpetual dictator.

Olivarotto di Fermo desired leave of his fellow-citizens, that he might be admitted into their town with a hundred horse of his companions; which being granted, he put to the sword all their principal citizens, and proclaimed himself their prince.

Francis Sforza, being general of the Milanese, usurped upon them, and made himself duke of Milan.

After Christiern, the second king of Denmark, had conquered Sweden, he invited all the senators and nobility to a magnificent entertainment, where, after he had treated them highly for two days, he most barbarously butchered them. None escaped this massacre but the brave Gustavus Ericson, who was then a prisoner; but he afterwards escaping through a thousand difficulties, by his good fortune, courage, and conduct, drove the Danes out of Sweden, and restored the Swedes to their antient kingdom. Nothing then was thought too great for their generous deliverer, every mouth was full of his praises, and, by the universal voice of the people, he was chosen their king.

And to consummate the last testimony of their gratitude, they trusted him with an army; but they soon found their mistake, for it cost them their liberty; and having granted that *unum magnum*, it was too late to dispute any thing else, his successors having been pleased to take all the rest; and now they remain the miserable examples of too credulous generosity.

The story of Denmark is so generally known, and so well related by a late excellent author^a, that it would be impertinence in me to repeat it; only this I will observe, that if the king had not had an army at his command, the nobles had never delivered up their government.

Our countryman, Oliver Cromwell, turned out that parliament under which he served, and who had got immortal honour thro' the whole world by their great actions; and this he effected by the assistance of an army, which must be allowed to have had as much virtue, sobriety, and public spirit, as hath been known in the world since, amongst that sort of men.

The last instance I shall give, is of a French colony, as I remember, in the West-

^a The lord Molesworth.

Indies, who, having war with the neighbouring Indians, and being tired in their march with the extremity of heat, made their slaves carry their arms; who, taking that opportunity, fell upon them and cut them to pieces, a just punishment for their folly. And this will always be the fate of those that trust their arms out of their hands; for it is a ridiculous imagination to conceive men will be servants, when they can be masters. And as Mr. Harrington judiciously observes ^b, whatever nation suffers their servants to carry their arms, their servants will made them hold their trenchers.

Some people object, that the republics of Venice and Holland are instances to disprove my assertion, who both keep great armies, and yet have not lost their liberty.

I answer, That neither keep any standing forces within the seats of their government, that is, within the city of Venice, or the great towns of the United Provinces; but they defend these by their own burghers, and quarter their mercenaries in their conquered countries, *viz.* the Venetians in Greece and the continent of Italy, and the Dutch in Brabant and Flanders. And

^b See Oceana.

the situation of these states makes their armies, so posted, not dangerous to them; for the Venetians cannot be attacked without a fleet, nor the Dutch be ever conquered by their own forces, their country being so full of strong towns, fortified both by art and nature, and defended by their own citizens, that it would be a fruitless attempt for their own armies to invade them; for if they should march against any of their cities, it is but shutting up their gates, and the design is spoiled.

But if we admit that any army might be consistent with freedom in a commonwealth, yet it is otherwise in a free monarchy: for in the former it is wholly in the disposal of the people, who nominate, appoint, discard, and punish, the generals and officers as they think fit, and it is certain death to make any attempt upon their liberties; whereas in the latter, the king is perpetual general, may model the army as he pleases, and it will be called high-treason to oppose it.

And though some princes, as the family of the Medices, Lewis the eleventh, and others, laid the foundation of their tyrannies without the immediate assistance of an

army, yet they all found an army necessary to establish them; or otherwise a little experience in the people of the change of their condition, would have made them disgorge in a day that ill-gotten power they had been acquiring for an age.

This subject is so self-evident, that I am almost ashamed to prove it: for if we look through the world, we shall find, in no country, liberty and an army stand together; so that to know whether a people are free or slaves, it is necessary only to ask, whether there is an army kept amongst them; and the solution of that preliminary question resolves the doubt: as we see in China, India, Tartary, Persia, Ethiopia, Turkey, Morocco, Muscovy, Austria, France, Portugal, Denmark, Sweden, Tuscany, and all the little principalities of Germany and Italy, where the people live in the most abandoned slavery; and in countries where no armies are kept within the seat of their government, the people are free, as Poland, Biscay, Switzerland, the Grisons, Venice, Holland, Genoa, Geneva, Ragusa, Algiers, Tunis, Hamburgh, Lubeck; all the free towns in Germany, and England and Scotland, before the late reigns. This truth

is so obvious, that the most bare-faced advocates for an army do not directly deny it, but qualify the matter by telling us, that a number not exceeding 15 or 20,000 men, are a handful to so populous a nation as this. Now, I think that number will bring as certain ruin upon us as if they were as many millions, and I will give my reasons for it.

It is the misfortune of all countries, that they sometimes lie under an unhappy necessity to defend themselves by arms against the ambition of their governors, and to fight for what is their own; for if a prince will rule us with a rod of iron, and invade our laws and liberties, and neither be prevailed upon by our miseries, supplications, or tears, we have no power upon earth to appeal to, and therefore must patiently submit to our bondage, or stand upon our own defence; which if we are enabled to do, we shall never be put upon it, but our swords may grow rusty in our hands: for that nation is surest to live in peace, that is most capable of making war, and a man that hath a sword by his side, shall have least occasion to make use of it. Now, I say, if the king hath twenty thousand men before-hand with us,

or much less than half that number, the people can make no effort to defend their liberties without the assistance of a foreign power, which is a remedy most commonly as bad as the disease; and if we have not a power within ourselves to defend our laws, we are no government.

For England being a small country, few strong towns in it, and those in the king's hands, the nobility disarmed by the destruction of tenures, and the militia not to be raised but by the king's command, there can be no force levied in any part of England, but must be destroyed in its infancy by a few regiments: for what will three or four thousand naked unarmed men signify against as many troops of mercenary soldiers? What if they should come into the field, and say you must chuse these and these men your representatives, where is your choice? What if they should say, Parliaments are seditious and factious assemblies, and therefore ought to be abolished; what is become of your freedom? Or if they should encompass the parliament-house, and threaten, if they do not surrender up their government, they will put them to the sword; what is become of the old English constitu-

nion? These things may be, and have been done in several parts of the world. What is it that causeth the tyranny of the Turks at this day, but servants in arms? What is it that preserved the glorious commonwealth of Rome, but swords in the hands of its citizens?

And if besides this, we consider the great prerogatives of the crown, and the vast interest the king has and may acquire by the distribution of so many profitable offices of the household, of the revenue, of state, of law, of religion, and the navy, together with the assistance of a powerful party, who have been always the fast and constant friends to arbitrary power, whose only quarrel to his present majesty is, that he has knocked off the chains and fetters they thought they had locked fast upon us; a party who had once engaged us in an unhappy quarrel amongst ourselves, the consequence of which I dread to name, and since in a tedious and chargeable war, at the vast expence of blood and treasure, to avoid that captivity they had prepared for us: I say, if any one considers this, he will be convinced we have enough to do to guard ourselves against the power of the

court, without having an army thrown in-
to the scale against us. And we have found
oftner than once by too fatal experience the
truth of this; for if we look back to the
late reigns, we shall see this nation brought
to the brink of destruction, and breathing
out the last gasp of their liberty; and it is
more owing to our good fortune, than to
any effort we were able to make, that we
escaped the fatal blow.

And I believe no man will deny, but if
king Charles the first had had five thousand
men before-hand with us, the people had
never struck a stroke for their liberties; or
if the late king James would have been con-
tented with arbitrary power without bring-
ing in Popery, but he and his black guard
would have bound us hand and foot before
this time: but when their ill-contrived op-
pression came home to their own doors,
they quickly shewed the world how differ-
ent a thing it was to suffer themselves, and
to make other people suffer, and so we came
by our deliverance. And though the late
king had the nobility, gentry, clergy, peo-
ple, and his own army against him, and we
had a very wise and couragious prince near-
ly related to the crown, and backed by

a powerful state, for our protector, yet we account this revolution next to a miracle.

I will add here, that most of the nations I instanced before were enslaved by small armies. Oliver Cromwell left behind him but 27,000 men; and the duke of Monmouth, who was the darling of the people, was suppressed with two thousand; nay, Caesar seized Rome itself with five thousand, and fought the battle of Pharsalia, where the fate of the world was decided, with twenty-two thousand: and most of the revolutions of the Roman and Ottoman empires since were caused by the Pretorian Bands and the Court Janizaries; the former of which never exceeded eight, nor the latter twelve thousand men. And if no greater numbers could make such disturbances in those vast empires, what will double the force do with us? And they themselves confess it, when they argue for an army; for they tell us we may be surprized with ten or fifteen thousand men from France, and having no regular force to oppose them, they will over-run the kingdom. Now, if so small a force can oppose the king, the militia, with the united power of the nobility,

gentry, and commons, what will an equal power do against the people, when supported by the royal authority, and a never-failing interest that will attend it, except when it acts for the public good?

But we are told, this army is not designed to be made a part of our constitution, but to be kept only for a little time, till the circumstances of Europe will better permit us to be without them. But I would know of these gentlemen, when they think that time will be? Will it be during the life of king James, or after his death? Shall we have less to fear from the youth and vigour of the pretended prince of Wales, than now from an unhappy man sinking under the load of age and misfortunes? Or will France be more capable of offending us just after this tedious and consumptive war, than hereafter when it has had a breathing time to repair the calamities it has suffered by it? No: we can never disband our army with so much safety as at this time; and this is well known by these conspirators against their country, who are satisfied that a continuation of them now, is an establishment of them for ever: for whilst the circumstances of Europe stand in the pre-

sent posture, the argument will be equal to continue them; if the state of Europe should alter to the advantage of France, the reason will grow stronger, and we shall be told we must increase our number. But if there should be such a turn of affairs in the world, that we were no longer in apprehension of the French power, they may be kept up without our assistance; nay, the very discontents they may create shall be made an argument for the continuing them. But if they should be kept from oppressing the people, in a little time they will grow habitual to us, and almost become a part of our constitution; and by degrees we shall be brought to believe them not only not dangerous, but necessary: for every body sees, but few understand; and those few will never be able to persuade the multitude that there is any danger in those men they have lived quietly with for some years, especially when the disbanding them will, as they will be made to believe, cost them more money out of their own pockets than to maintain a militia; and of this we have had already an unhappy experience. For king Charles the second being connived at, in keeping a few guards, (which were the first ever

known to an English king, besides his pensioners and his beef-eaters) he insensibly increased their number, till he left a body of men to his successor great enough to tell the parliament, he would be no longer bound by the laws he had sworn to; and under the shelter and protection of these he raised an army, that had put a period to our government, if a complication of causes, which may never happen again, had not presented the prince of Orange with a conjuncture to assert his own and the nation's rights. And though we have so lately escaped this precipice, yet habit has made soldiers so familiar to us, that some who pretend to be zealous for liberty, speak of it as a hardship to his present majesty, to refuse him as many men as his predecessors, not considering that the raising them then was a violation of our laws; and that his government is built upon the destruction of theirs; and can no more stand upon the same rubbish, than the kingdom of heaven be founded in unrighteousness.

But the conspirators say, we need be in no apprehensions of slavery, whilst we keep the power of the purse in our own hands: which is very true, but they do not tell us

that he has the power of raising money, to whom no one dares refuse it.

Arma tenenti

Omnia dat qui justa negat.

For it is as certain that an army will raise money, as that money will raise an army; but if this course should be thought too desperate, it is only shutting up the exchequer, and disobliging a few tally-jobbers (who have bought them for fifty *per cent.* discount) and there will be near three millions a year ready cut and dryed for them: and whoever doubts whether such a method as this is practicable, let him look back to the reign of Charles the second; and I am afraid the officers of the exchequer have not much reason to value themselves for their payments in this reign: at least the purchasers of the annuities are of that opinion, and would be apt to entertain some unreasonable suspicions, if they had not greater security from his majesty's virtue, than the justice of such ministers. But if we could suppose, whatever is the fate of other countries, that our courtiers design nothing but the public good, yet we ought not to

hazard such unusual virtue, by leading it into temptation, which is part of our daily duty to pray against. But I am afraid we do not live in an age of miracles, especially of that sort; our heroes are made of a coarser alloy, and have too much dross mixed with their constitutions for such refined principles: for in the little experience I have had in the world, I have observed most men to do as much mischief as lay in their power, and therefore am for dealing with them as we do with children and madmen, that is, take away all weapons by which they may do either themselves or others an injury: and I think the sheep in Boccalini made a prudent address to Apollo, when they desired, that for the future wolves might have no teeth.

When all other arguments fail, they call to their assistance the old tyrant Necessity, and tell us the power of France is so great, that let the consequence of an army be what it will, we cannot be without one; and if we must be slaves, we had better be so to a Protestant prince than a Popish one, and the worst of all Popish ones, the French king. Now, I am of Mr. Johnson's opinion, that the putting an epithet upon tyranny is false

heraldry; for Protestant and Popish are both alike; and if I must be a slave, it is very indifferent to me who is my master; and therefore I shall never consent to be ruled by an army, which is the worst that the most barbarous conquest can impose upon me; which notwithstanding we have little reason to fear, whilst we keep the seas well guarded.

It is certain there is no country so situated for naval power as England. The sea is our element, our seamen have as much hardy bravery, and our ships are as numerous, and built of as good materials as any in the world: such a force, well applied and managed, is able to give laws to the universe; and if we keep a competent part of it well armed in times of peace, it is the most ridiculous thing in nature to believe any prince will have thoughts of invading us, unless he proposes to be superior to us in naval power: for the preparations necessary for such an undertaking will alarm all Europe, give both to us and our confederates time to arm, and put ourselves in a posture of defence. And whoever considers that the prince of Orange with six hundred ships brought but fourteen thou-

land men, and the mighty Spanish Armado, then the terror of the world, embarked but eighteen thousand, will be assured that no invasion can be so sudden upon us, but we shall have time to get ready our whole fleet, bring some forces from Holland and Ireland, and prepare our own militia if there should be occasion for it; especially in times of peace, when we shall have the liberty of all the ports of France, and shall or may have intelligence from every one of them.

But they tell us such a wind may happen as may be favourable to our own enemy and keep us within our ports; which I say, as France lies to England, is almost impossible: for if we lie about Falmouth, or the Land's end, no fleet from Brest or the ocean can escape us without a miracle; and if the design be to invade us from any port in the channel, a very few ships, which may safely lie at anchor, will certainly prevent it. Nor is it to be conceived, that that cautious prince will be at a vast expence for the contingency of such a critical wind, or will send an army into a country where their retreat is certainly cut off, when the failing in any part of his design will bring a new

war upon him, which lately cost a third part of his people, a great many large countries and strong towns, with all the honour he had heaped up by his former victories, to get rid of.

And here I must confess, that the misapplication of our naval force, which is our known strength, for these last eight years, is the strongest, as it is the most usual argument against me: which unriddles a mystery I did not understand before, though I never was so foolish as to believe all the errors of that kind were the effects of chance or ignorance; or that losing so many opportunities of destroying the French fleet, had not some extraordinary, though occult, cause; and yet notwithstanding the restless attempts of our enemies, and the paltry politics of our own wretched statesmen, this fleet triumphantly defended us, so that our enemies in eight years war could not get one opportunity of invading our country.

It is objected, that the officers of our fleet may be corrupted, or that a storm may arise which may destroy it all at once, and therefore we ought to have two strings to our bow. By which I perceive all their fears lie one way, and that they do not

care if they precipitate us into inevitable ruin at home, to prevent a distant possibility of it from France. But I think this phantom too may be laid by a well-trained militia, and then all their bugbears will vanish. This word can be no sooner out, but there is a volley of small shot let fly at me: what! must we trust our safety to an undisciplined mob, who never dreamed of fighting when they undertook the service; who are not inured to the fatigue of a camp, or ever saw the face of an enemy? And then they magnify mercenary troops; as if there was an intrinsic virtue in a red coat, or that a raggamuffin, from robbing of hen-roosts, in two campaigns, could be cudgelled into a hero. Though I must confess the conduct of the court, by industriously enervating this force, do in some measure justify their objections: for the detestable policies of the last reigns were, with the utmost art and application, to disarm the people, and make the militia useless, to countenance a standing army, in order to bring in Popery and slavery; and if any methods were proposed to make it more serviceable, the court would never suffer them to be debated; and such officers as were more zealous

in exercising their companies than others, were reprimanded, as designing to raise a rebellion. And now the worthy patriots of this reign are taking advantage of the traiterous neglect and infamous policies of the last. But why may not a militia be made useful? Why may not the nobility, gentry, and freeholders of England be trusted with the defence of their own lives, estates, and liberties, without having guardians and keepers assigned them? And why may they not defend them with as much vigour and courage as mercenaries who have nothing to lose, nor any other tie to engage their fidelity, than the inconsiderable pay of six-pence a day, which they may have from the conqueror?

Why may not the laws for shooting in cross-bows be changed into firelocks, and a competent number of them be kept in every parish for the young men to exercise with on holidays, and rewards offered to the most expert, to stir up their emulation?

Why may not the whole militia of England be reduced to sixty thousand, and a third part of those kept by turns in constant exercise?

Why may not a man be list'd in the militia till he be discharged by his master, as well as in the army till he be discharged by his captain? And why may not the same horse be always sent forth, unless it can be made appear he is dead or maimed?

Why may not the private soldiers of the army, when they are dispersed in the several parts of the kingdom, be sent to the militia? And why may not the inferior officers of the army in some proportion command them?

I say, these and other like things may be done, and some of them are done in our own plantations, and the islands of Jersey and Guernsey, as also in Poland, Switzerland, and the country of the Grisons; which are nations much less considerable than England, have as formidable neighbours, no sea nor fleet to defend them, nothing but a militia to depend upon, and yet no one dares attack them. And we have seen as great performances done formerly by the apprentices of London, and in the late war by the Vaudois in Savoy, the Miquelets in Catalonia, and the militia in Ireland, as can be paralleled in history: and so it would be with us, if the court will

give their hearty assistance in promoting this design. If the king would appear in person at the head of them, and give rewards and honour to such as deserve them, we should quickly see the young nobility and gentry appear magnificent in arms and equipage, shew a generous emulation in out-vying one another in military exercises, and place a noble ambition in making themselves serviceable to their country: as anciently the Achaians and Thebans from being the most contemptible nations in Greece, by the conduct of Pelopidas, Epaminondas, and Philopoemen, came to have the best disciplined troops, and most excellent soldiers in the world.

They object, that such a militia as this is a standing army, and will be as dangerous and much more chargeable. I answer;

That there can be no danger from an army where the nobility and gentry of England are the commanders, and the body of it made up of the freeholders, their sons and servants; unless we can conceive that the nobility and gentry will join, in an unnatural design, to make void their own titles to their estates and liberties: and if they

could entertain so ridiculous a proposition, they would never be obeyed by the soldiers, who will have a respect to those that send them forth and pay them, and to whom they must return again when their time is expired. For if I send a man, I will as surely chuse one who shall fight for me, as a mercenary officer will chuse one that shall fight against me: and the late governments are witnesses to the truth of this, who debauched the militia more than ever I hope to see it again; and yet durst never rely upon them to assist their arbitrary designs; as we may remember in the duke of Monmouth's invasion, their officers durst not bring them near his army for fear of a revolt. Nay, the pensioner-parliament themselves turned short upon the court, when they expected them to give the finishing stroke to our ruin.

To the last part of the objection, that this militia will be more chargeable than an army; I answer, That since, as I suppose, no man proposes wholly to lay them aside, if we add the extraordinary expence of maintaining twenty thousand men to the ordinary charge of the militia, it is much more than sufficient to make the latter use-

ful. But, if this objection were true, it ought not to enter into competition with the preservation of our laws and liberties; for it is better to give a third part of my estate, if it were necessary, than to have all taken from me.

And though it should be granted, that a militia is not as serviceable as an army kept to constant discipline, yet I believe these gentlemen themselves will confess, that sixty thousand of them trained as before, are as good as twenty thousand of their standing troops, which is the question; for it is impossible to have them both useful at the same time, they being as incompatible as broad and clipt money, never current together; and therefore the court must depend wholly upon a militia, or else they will not depend upon them at all. And this by the way may silence that objection, that we must keep our army till the militia be disciplined; for that will never be done whilst the court has an army: and the same objection will be made seven years hence as now; so that a small army can be of no use to us, but to make our fleet neglected, to hinder the militia from being trained, and inflave us at home: for they are too few

to defend us against an invasion, and too many for the people to oppose.

I dare speak with the greater assurance upon this subject, having the authority of as great men as the world hath produced for my justification. Machiavel spends several chapters to prove, that no prince or state ought to suffer any of their subjects to make war their profession, and that no nation can be secure with any other forces than a settled militia. My lord Bacon in several places bears his testimony against a standing army; and particularly he tells us, that a mercenary army is fittest to invade a country, but a militia to defend it; because the first have estates to get, and the latter to protect. Mr. Harrington has founded his whole Oceana upon a trained militia; and I have lately read a French book, called, the history of the politics of France, which says, *Enfin si on veut ruiner les Anglois il suffit de les obliger a tenir des troupes sur pied*^c. Nay, I believe no author ever treated of a free government, that did not express his abhorrence of an army; for, as my lord Bacon says, who-

^c i. e. To ruin the English, let them keep up a standing army.

ever does use them, though he may spread his feathers for a time, he will mew them soon after: and raise them with what design you please, yet, like the West Indian dogs in Boccalini, in a little time they will certainly turn sheep-biters.

Perhaps it will be said, that the artillery of the world is changed since some of these wrote, and war is become more a mystery, and therefore more experience is necessary to make good soldiers. But wherein does this mystery consist? not in exercising a company and obeying a few words of command; these are mysteries that the dullest noddle will comprehend in a few weeks. Nay, I have heard that the modern exercise is much shorter and easier than the antient. But the great improvements in war are in regular encampments, fortification, gunnery, skilful engineering, *etc.* These are arts not to be learned without much labour and experience, and are as much gained in the closet as in the field; and I suppose no man will say, that the keeping standing forces is necessary to make a good engineer.

As to actual experience in war, that is not essential either to a standing army or a

militia, as such; but the former may be without it, and the latter gain it according as they have opportunities of action. It is true, at present the army hath been trained up in a long war, and hath gained great knowlege: but these men will not be lost when they are disbanded, they will be still in England; and if the parliament does give them a gratuity suitable to the service they have done their country, they will be ready to resume their arms whenever occasion offers.

But I desire to know of these patriots, how comes an army necessary to our preservation now, and never since the conquest before? Did ever the prevailing party in the wars of York and Lancaster attempt to keep up a standing army to support themselves? No: they had more sense than to sacrifice their own liberty, and more honour than to inflave their country, the more easily to carry on their own faction. Were not the Spaniards as powerful, as good soldiers, and as much our enemies, as the French are now? Was not Flanders as near us as France? and the Popish interest, in queen Elizabeth's time, as strong as the Jacobite is now? and yet that most excel-

lent princess never dreamed of a standing army, but thought her surest empire was to reign in the hearts of her subjects, which the following story sufficiently testifies. When the duke of Alanfon came over to England, and for some time had admired the riches of the city, the conduct of her government, and the magnificence of her court, he asked her, amidst so much splendor, where were her guards? which question she resolved a few days after, when she took him in her coach through the city, and pointing to the people (who received her in crouds with repeated acclamations) These, said she, my lord, are my guards; these have their hands, their hearts, and their purses always ready at my command: and these were guards indeed, who defended her through a long and successful reign of forty-four years against all the machinations of Rome, the power of Spain, a disputed title, and the perpetual conspiracies of her own Popish subjects; a security the Roman emperors could not boast of with their pretorian bands, and their eastern and western armies.

Were not the French as powerful in Charles the second and king James's time,

as they are after this long and destructive war, and a less alliance to oppose them? and yet we then thought a much less army than is now contended for, a most insupportable grievance; insomuch, that in king Charles the second's reign the grand-jury presented them, and the pensioner-parliament voted them to be a nuisance; sent Sir J. Williamson to the tower, for saying the king might keep guards for the defence of his person, and addressed to have them disbanded. And now our apostates would make their court by doing what the worst parliament ever England saw could not think of without horror and confusion. They say the king of France was in league with our late kings; so he is with us; and he would have broke it then, if he had thought it safe, and for his interest, as much as now. But they say we have more disaffected persons to join with him; which I must deny, for I believe no king of England in any age had deservedly more interest than the present; and if during such an expensive war, in which we have consumed so much blood and treasure, paid such vast and unequal taxes, lost so many thousand ships, and bore a shock by recoinning our money which

would have torn up another nation from its foundation, and reduced it to its antient chaos, when most countries would have sunk under the misfortune, and repined at their deliverance (as men in sickness commonly quarrel with their dearest friends) I say, if at that time he had so great and universal an interest, there can be no doubt but in times of peace, when the people reap the fruits of that courage and conduct he hath shewn in their defence, he will be the most beloved and glorious prince that ever filled the English throne.

I will make one assertion more, and then conclude this discourse, *viz.* that the most likely way of restoring king James, is maintaining a standing army to keep him out.

For the king's safety stands upon a rock whilst it depends upon the solid foundation of the affections of the people, which is never to be shaken, till it is as evident as the sun in the firmament, that there is a formed design to overthrow our laws and liberties; but if we keep a standing army, all depends upon the uncertain and capricious humours of the soldiery, which in all ages have produced more violent and sudden revolutions, than ever have been

known in unarmed governments: for there is such a chain of dependance amongst them, that if two or three of the chief officers should be disoblged, or have intrigues with Jacobite mistresses; or if the king of France could once again buy his pensioners into the court or army, or offer a better market to some that are in already, we shall have another rehearsal revolution, and the people be only idle spectators of their own ruin. And whoever considers the composition of an army, and doubts this, let him look back to the Roman empire, where he will find out of twenty-six emperors, sixteen deposed and murdered by their own armies; nay, half the history of the world is made up of examples of this kind: but we need not go any farther than our own country, where we have twice kept armies in times of peace, and both times they turned out their own masters. The first under Cromwell expelled that parliament, under which they had fought successfully for many years; afterwards, under general Monk, they destroyed the government they before set up, and brought back king Charles the second; and he afterwards disbanded them, lest they might have turned him out again.

The other instance is fresh in every one's memory, how king James's army joined with the prince of Orange, now our rightful and lawful king. And what could have been expected otherwise from men of dissolute and debauched principles, who call themselves soldiers of fortune; who make murder their profession, and enquire no farther into the justice of the cause, than how they shall be paid; who must be false, rapacious, and cruel in their own defence: for having no other profession or subsistence to depend upon, they are forced to stir up the ambition of princes, and engage them in perpetual quarrels, that they may share of the spoils they make. Such men, like some sort of ravenous fish, fare best in a storm; and therefore we may reasonably suppose, they will be better pleased with the tyrannical government of the late king, than the mild and gracious administration of his present majesty, who came over to England to rescue us from oppression, and he has done it, and triumphs in it in spite of his enemies.

In this discourse I have purposely omitted speaking of the lesser inconveniences attending a standing army, such as frequent quar-

rels, murders and robberies, the destruction of all the game in the country; the quartering upon public and sometimes private houses; the influencing elections of parliament, by an artificial distribution of quarters; the rendering so many men useless to labour, and almost propagation, together with a much greater destruction of them, by taking them from a laborious way of living, to a loose idle life; and besides this, the insolence of the officers, and the debaucheries that are committed both by them and their soldiers in all the towns they come in, to the ruin of multitudes of women, dishonour of their families, and ill example to others; and a numerous train of mischiefs besides, almost endless to enumerate. These are trivial as well as particular grievances, in respect of those I have treated about, which strike at the heart's-blood of our constitution, and therefore I thought these not considerable enough to bear a part in a discourse of this nature: besides they often procure their own remedy, working miracles, and making some men see that were born blind, and impregnable against all the artillery of reason; for experience is only the mistress of fools: a wise

man will know a pike will bite when he sees his teeth, which another will not make discovery of but by the loss of a finger.

What I have said here against standing armies, I would be understood of such as are the instruments of tyranny and their country's ruin, and therefore I need make no apology to our own, which was raised by the consent of the parliament in this just and necessary war, and next unto God and our great and glorious deliverer, have, by their bravery and conduct, preserved our liberties, and the Protestant religion through Europe. For if in future reigns any designs should be levelled against our laws, we may be assured these men would be discarded, and others promoted in their rooms, who are fit for such arbitrary purposes.

Nor do I think it reasonable that our army should be ruined by that peace which, by their courage and fidelity, they have procured for their country; and I doubt not but the generosity and gratitude of the parliament will give them a donative equal to their commissions, which, when the foreigners are paid and sent home, will amount to no extraordinary sum; at most it is but

supposing the war to have six months longer continuance, which is an easy composition for the charge of keeping them. But if there are any gentlemen amongst them who think we can no otherwise express our gratitude, but by signing and sealing our own ruin, I hope we shall disappoint their expectations, and not give the world occasion to tell so foolish a story of us, as that we turned to grass one of the most powerful monarchs in the world for breaking our laws, that we maintained an eight years war at the expence of forty millions of money, and the blood of three hundred thousand men, to justify the glorious action we have done; that by it we preserved all Europe besides, and lost our own liberties; at least I hope it shall not be said we consented to it.

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